THE DEPARTMENT OF STATE





# Bulletin



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THE DEPARTMENT OF STATE

# Bulletin

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***The Department of State BULLETIN, a weekly publication issued by the Office of Public Services, Bureau of Public Affairs, provides the public and interested agencies of the Government with information on developments in the field of foreign relations and on the work of the Department of State and the Foreign Service. The BULLETIN includes selected press releases on foreign policy, issued by the White House and the Department, and statements and addresses made by the President and by the Secretary of State and other officers of the Department, as well as special articles on various phases of international affairs and the functions of the Department. Information is included concerning treaties and international agreements to which the United States is or may become a party and treaties of general international interest.***

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# The Self-Judging Aspect of the U.S. Reservation on Jurisdiction of the International Court

*Following are statements made by Secretary Herter and Attorney General William P. Rogers before the Senate Committee on Foreign Relations on January 27 during hearings on Senate Resolution 94.*

## STATEMENT BY SECRETARY HERTER

Press release 41 dated January 27

I am privileged to appear this morning before the committee in connection with Senate Resolution 94. This resolution, if adopted, would eliminate the self-judging aspect of the domestic-jurisdiction reservation to the United States acceptance of the compulsory jurisdiction of the International Court of Justice. Through the self-judging aspect of this reservation, the United States reserved to itself the right to determine unilaterally whether a subject matter of litigation lies essentially within its domestic jurisdiction.

### The Rule of Law

I should like to begin by speaking for a moment about the general subject of the rule of law. Stated in its most simple manner, the rule of law in international affairs refers essentially to a set of arrangements within which states can settle their unresolved differences by peaceful means and without resort to force. This conception of the rule of law was stated by the late Secretary Dulles as follows:[1]

> We in the United States have from the very beginning of our history insisted that there is a rule of law which is above the rule of man. That concept we derived from our English forebears. But we, as well as they, played a part in its acceptance. . . .
>
> Thus our Nation since its inception has been dedicated to the principle that man in his relationship with other men should be governed by moral, or natural, law. . . .
>
> Now we carry these concepts into the international field. We believe that the results thus obtainable, though not perfect, are nevertheless generally fair and that they are preferable to any other human order that can be devised.
>
> A most significant development of our time is the fact that for the first time, under the charter of the United Nations, there has been a determined effort to establish law and justice as the decisive and essential substitutes for force.

Let me at this point underscore the obvious proposition that the availability of impartial adjudication and resort to it cannot provide a cure for all of the problems which beset us in the realm of international affairs. One cannot eradicate poverty or disease merely by application to an international tribunal. Moreover, even with regard to those problems which, by their nature, are justiciable, it is clear that increased resort to adjudication is merely one of a number of steps necessary to promote an international atmosphere in which the exercise of force by any state is unthinkable.

The President, writing to Senator Humphrey on November 17, 1959,[2] stated:

> One of the great purposes of this Administration has been to advance the rule of law in the world, through actions directly by the United States Government and in concert with the governments of other countries. It is open to us to further this great purpose both through optimum use of existing international institutions and through the adoption of changes and improvements in those institutions.

Our continued participation in the United Nations and other international organizations is one way

[1] BULLETIN of Feb. 23, 1959, p. 255.

[2] For an exchange of letters between President Eisenhower and Senator Hubert H. Humphrey, see *ibid.*, Jan. 25, 1960, p. 128.

in which we are trying to further the rule of law. As you know, we have also been actively engaged in discussions at Geneva concerning the discontinuance of nuclear weapons tests.[3] We are anticipating and preparing for the broader deliberations of the 10-nation Disarmament Committee which is to convene in March.[4]

### International Arbitration and Adjudication

Let me turn now to the subject of international arbitration and adjudication and begin with a little of the historical background underlying the creation of the International Court of Justice as the principal judicial organ of the United Nations.

The late 18th and 19th centuries saw the development of a pattern of *ad hoc* arbitration in cases in which a dispute between states could not be settled through usual diplomatic channels by negotiation, conciliation, good offices, or other means. Examples of successful arbitral settlements are furnished by the resolution of disputes arising from our treaty of peace with Great Britain of 1782–1783, the United States–Canadian boundary dispute, and the *Alabama* claims.

The Hague conventions on pacific settlement of disputes, signed in 1899 and 1907, constituted the initial attempt to regularize the arbitration system. These conventions, ratified by over 50 states including the United States, created a Permanent Court of Arbitration. This Court was actually a permanent panel of arbitrators to whom states could turn when they wished to resort to arbitration. The Court possessed no defined jurisdiction, and states which were parties to the conventions did not undertake any binding obligation to consent to the arbitration of international disputes. As in the case of *ad hoc* arbitration, it was still necessary to have an arbitral agreement in each case.

The United States also entered into a number of bilateral treaty relationships providing for the arbitration of differences. Again, under these arrangements, a special agreement was required in each case for submission of a dispute to the tribunal provided for in the treaty.

The League of Nations, created after the conclusion of World War I, envisaged the creation of the Permanent Court of International Justice, the immediate predecessor of the present International Court of Justice. The Permanent Court was quite similar to the present Court in its structure and jurisdiction. It did not possess a defined jurisdiction binding in all cases upon states which were parties to the Court's statute. Instead, article 36 of the statute contained a so-called optional clause, under which states could make declarations accepting generally the Court's jurisdiction. This arrangement constituted a significant expansion in the scope of impartial adjudication by international tribunals. The United States, however, did not become a party to the statute of the Permanent Court.

### The International Court of Justice

The San Francisco conference, held in 1945 shortly before the conclusion of the Second World War, created the United Nations Organization and constituted a new court, called the International Court of Justice, as the principal judicial organ of the United Nations. The records of the San Francisco conference reflect an intensive and extensive debate on the question whether the new International Court should have compulsory jurisdiction over all legal disputes arising between states members of the United Nations. Although a large number of the states present at the conference asserted that the Court should have such compulsory jurisdiction, it was decided to make the jurisdiction of the Court optional.

After the charter of the United Nations came into force, it was proposed in the Senate that the United States deposit a declaration accepting the compulsory jurisdiction of the new Court. Senate Resolution 196 of the 79th Congress proposed to recognize

> . . . as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes hereafter arising concerning—
>
> a. the interpretation of a treaty;
>
> b. any question of international law;
>
> c. the existence of any fact which, if established, would constitute a breach of an international obligation;
>
> d. the nature or extent of the reparation to be made for the breach of an international obligation.

As reported by the Foreign Relations Committee,[5]

[3] For a statement by the chairman of the U.S. delegation, see *ibid.*, Jan. 18, 1960, p. 79.

[4] For background, see *ibid.*, Jan. 11, 1960, p. 45.

[5] S. Rept. 1835, 79th Cong., 2d sess.

Resolution 196 further provided that the declaration should not apply to:

a. disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

b. disputes with regard to matters which are essentially within the domestic jurisdiction of the United States; or

c. disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also parties to the case before the Court, or (2) the United States specially agrees to jurisdiction.

The resolution further provided that the declaration should remain in force for a period of 5 years and thereafter until the expiration of 6 months after notice of its termination.

### The Self-Judging Reservation

During consideration of the resolution in the Foreign Relations Committee, Senator [Warren R.] Austin suggested that the provision withholding jurisdiction over domestic disputes be amended so as to include a self-judging reservation similar to the subsequent proposal made by Senator [Tom] Connally on the floor of the Senate. However, Senator Austin's proposal was rejected by the committee, and Resolution 196 was unanimously reported by the committee for favorable Senate action without any self-judging reservation.

The Senate began its consideration of S. Res. 196 on July 31, 1946. Shortly thereafter Senator Connally introduced his amendment, which added the words "as determined by the United States" at the end of proviso "b" of S. Res. 196, so that it would read:

disputes with regard to matters which are essentially within the domestic jurisdiction of the United States *as determined by the United States.*

He stated his view that such a self-judging domestic-jurisdiction reservation was necessary because the International Court might take a dangerously broad view of what was an international question and thus interfere with U.S. policy on immigration, tariffs, and matters relating to the Panama Canal. Senator Connally's amendment was adopted, and the United States, within these limits, declared itself bound by the compulsory jurisdiction of the Court.[6]

[6] For text of the declaration, see BULLETIN of Sept. 8, 1946, p. 452.

### Experience With the Reservation

Criticism of the amendment was soon voiced in the United States. And it became apparent with the passage of time and the gaining of experience that the self-judging aspect of our domestic-jurisdiction reservation was disadvantageous to the United States.

In 1946 and 1947 the American Bar Association adopted resolutions urging elimination of the proviso reserving to the United States the unilateral right of determination as to what constitutes a matter essentially within its domestic jurisdiction.

The assertion by the United States that, in every case arising within the compulsory jurisdiction of the Court, it reserved the unilateral right to determine whether the subject fell within the domestic jurisdiction of the United States—and thus lay beyond the jurisdiction of the Court—set an example of supercaution which was subsequently copied by several other countries. Mexico, France, Liberia, the Union of South Africa, India, Pakistan, and the Sudan proceeded to condition their acceptances of compulsory jurisdiction with self-judging domestic reservations. A similar action was taken by the United Kingdom in excluding from the Court's jurisdiction disputes which the United Kingdom determined to relate to questions affecting its national security or that of its dependent territories.

This pattern, fortunately, did not become very widespread. Indeed, the trend has more recently been reversed, with India, the United Kingdom, and France reconsidering and dropping their self-judging reservations.

Next, I should like to call attention to another unfortunate effect of the self-judging reservation. It is now apparent that a nation which has such a self-judging reservation may have seriously limited its own ability to take other nations into the Court. This is illustrated by the *Norwegian Loans* case,[7] which was decided by the International Court of Justice in 1957.

Norway had floated public loans in France at the turn of the century. The bonds contained a promise to repay in gold or its equivalent. After devaluation of the Norwegian currency, a dispute arose as to whether Norway had to comply with the gold clause. The parties could not agree, and since Norway had accepted the compulsory juris-

[7] I.C.J. Rept. 9 (1957)

diction of the Court in 1946 and France in 1949, the French Government instituted proceedings against Norway by application in 1955.

The French acceptance of the Court's jurisdiction contained a self-judging reservation very similar to our own. The French declaration excluded "differences relating to matters which are essentially within the national jurisdiction as understood by the Government of the French Republic." The Norwegian declaration contained no such reservation. Norway filed objections to the jurisdiction of the Court. One of these was based on the self-judging reservation of France, which Norway contended she was entitled to invoke on the basis of reciprocity. Norway claimed that the manner of repayment of the bonds was a matter essentially within the national jurisdiction of Norway, as understood by Norway. The Court upheld Norway's right to invoke her adversary's self-judging reservation and accordingly determined that it lacked jurisdiction.

It is clear that this type of reservation is inconsistent with the deeply rooted notion that no one should be a judge in his own cause. Moreover, a self-judging reservation is incompatible with the sixth paragraph of article 36 of the statute of the Court, which provides that

> In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Perhaps a reason for our insistence in 1946 upon a self-judging reservation may have lain in lack of experience with the new Court in operation and a fear that it might construe its jurisdiction expansively. Now we are able to see, in looking back over the 14 years which have elapsed since 1946, that the Court has acted conservatively in the matter of jurisdiction.

Deletion of our self-judging reservation will not operate to give the International Court jurisdiction of domestic matters. There should be no misapprehension on this score. With the removal of the self-judging proviso, our declaration would continue to be subject to the reservation that it is *not* applicable to:

> . . . disputes with regard to matters which are essentially within the domestic jurisdiction of the United States of America.

Secondly, article 36, paragraph 2, of the statute of the Court specifically provides for compulsory jurisdiction only in *legal* disputes concerning:

a. the interpretation of a treaty;
b. any question of international law;
c. the existence of any fact which, if established, would constitute a breach of an international obligation;
d. the nature or extent of the reparation to be made for the breach of an international obligation.

Domestic issues are clearly beyond this jurisdiction.

Matters relating to immigration, tariffs, and the Panama Canal—mentioned in the Senate debates concerning the self-judging reservation—would not be held by the Court to be subjects of international concern, except insofar as the United States had entered into international agreements concerning them. Furthermore, even where matters relating to these subjects have been incorporated in treaties and other international agreements, the record of United States policy and action is such that we need not fear the availability of recourse to impartial international adjudication.

Thirdly, article 2(7) of the charter of the United Nations, upon which the Court's statute is predicated, provides the limitation that:

> Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter. . . .

## Conclusions

If the Senate adopts Senate Resolution 94, the administration intends to urge other states having self-judging reservations to eliminate them. As the President said in his message on the state of the Union [8] earlier this month,

> There is pending before the Senate a resolution which would repeal our present self-judging reservation. I support that resolution and urge its prompt passage. If this is done, I intend to urge similar acceptance of the Court's jurisdiction by every member of the United Nations.

Indeed, it should be noted that the removal of our self-judging reservation would be consistent with the constructive steps recently taken by three leading free-world countries. On November 26, 1958, the United Kingdom deleted its self-judging reservation, which related to security matters.

[8] BULLETIN of Jan. 25, 1960, p. 11.

More recently on July 10, 1959, France filed a new declaration omitting its previous self-judging reservation. On September 14, 1959, India deposited a new declaration accepting compulsory jurisdiction which, similarly, did not repeat a self-judging reservation. Once we have acted to strike our own self-judging clause, we will be in a vastly stronger position to seek the goal recently stated by the President.

As I said at the beginning of my testimony, development of a working rule of law in the world, displacing resort to force, is a supreme goal for the community of nations. We believe that increased availability of international adjudication, and the use of this means of pacific settlement, can make a meaningful contribution to the total effort of United States foreign policy.

The Department of State and the administration as a whole strongly support Senate Resolution 94. We hope for its early adoption.

## STATEMENT BY ATTORNEY GENERAL ROGERS

I appreciate the opportunity to appear today to testify in support of S. Res. 94. That resolution would revise our 1946 acceptance of the jurisdiction of the International Court of Justice to eliminate the self-judging aspect only of our reservation of domestic matters from the Court's jurisdiction.

On June 8, 1959, the Department reported on this resolution and recommended its adoption. In his state of the Union message of January 7, 1960, the President stated his support of the resolution and urged its prompt passage. This morning, I understand, the Department of State has reviewed comprehensively the background of the resolution, its relation to the fundamental objectives of our foreign policy, and the necessity for its early passage to effectuate that policy. The Department of Justice is in full accord with the Department of State, and I shall not retrace this ground.

In 1946 the United States accepted the jurisdiction of the Court, as defined and limited in the Court's statute, but upon several conditions. One of those conditions specifically reserved from the Court's jurisdiction

> disputes with regard to matters which are essentially within the domestic jurisdiction of the United States of America as determined by the United States of America.

The pending resolution would accord the advice and consent of the Senate to the elimination of the self-judging aspect of that reservation, embodied in the phrase "as determined by the United States of America."

It would not—and I underline this, as I believe there has been some misunderstanding concerning it—in any way alter our specific reservation from the Court's jurisdiction of disputes with regard to domestic matters. It would only clearly and plainly make the Court the judge of its own jurisdiction. This is fully in accord with the provision of article 36(6) of the Court's statute, to which we are a party. That section provides,

> In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

### Soundness of Committee's Recommendation

You will recall that in 1946 this committee unanimously recommended against the inclusion of the self-judging reservation. This was done advisedly and deliberately.

The committee rested its recommendation principally on the grounds that: (1) The ultimate purpose of the resolution was to lead to general worldwide acceptance of the jurisdiction of the Court in legal cases and that "a reservation of the right of decision as to what are matters essentially within domestic jurisdiction would tend to defeat the purposes which it is hoped to achieve by means of the proposed declaration"; (2) that the jurisdiction of the Court by definition was strictly limited to international matters and necessarily excluded domestic matters; (3) that if the question whether a matter was international or domestic "were left to the decision of each individual state, it would be possible to withhold any case from adjudication on the plea that it is a matter of domestic jurisdiction"; and (4) that "it is plainly the intention of the statute that such questions should be decided by the Court."

### Adverse Effects of Self-Judging Reservation

Although the unanimous committee recommendation was rejected, the soundness of its view has been confirmed by experience.

First, the self-judging aspect of our reservation has tended to create doubt in the international community of the good faith of our declared in-

tention to accept the jurisdiction of the Court. So long as we insist on its retention it will be difficult to dissipate that doubt.

Second, the action of the United States in adopting a self-judging reservation set an unfortunate example which was followed by several other nations. Three of these, however, have recently dropped this type of reservation.

Third, it is, nevertheless, worth noting that more than 30 free nations have accepted the Court's statutory jurisdiction without similar reservation.

Fourth, on the basis of reciprocity, a nation, even one without a similar reservation, may be able to invoke our reservation so as to defeat the Court's jurisdiction. In the *Norwegian Loans* case, on a complaint brought against Norway by France, Norway successfully invoked France's self-judging reservation to defeat the Court's jurisdiction at the threshold. In the ever-broadening context of our worldwide interests such a result is patently inimical to those interests.

Fifth, the reservation is at war with several of our basic concepts for which we seek universal acceptance. Those concepts are that no nation shall act as judge in its own case and that a court, and not a litigant, should have the right to determine at the threshold of a case whether or not the court has jurisdiction to decide the case.

The adverse effects which were foreseen by the committee have materialized since the adoption of the reservation. The basic argument advanced, both when the reservation was initially under consideration and now, is that the reservation is necessary in order to preclude the Court from exercising a domestic jurisdiction over matters, such as immigration, tariffs, and the Panama Canal, not granted to it. It was urged, too, that this danger was enhanced because of the uncertain quality of the judges and the absence of a well-defined body of international law to be applied by the Court.

#### Reservation Unwarranted by Experience With Court

When the Court was new, no evidence was available to test the validity of these assumptions. Now, after 14 years of experience with the Court, these grounds do not withstand objective examination.

Although the operation of the Court has been under close international and national scrutiny,[9] it has not been suggested that the Court has sought to extend its jurisdiction in any case beyond the limits of its statutory grant in order to deal with matters of domestic jurisdiction.

No evidence has been adduced that any of the judges do not meet the high qualifications prescribed for the office by the Court's statute, nor has there been any evidence that the relevant principles of international law have been ascertained or applied by the Court in any different way than our own courts perform the same functions.

In short, there has been no supported challenge to either the fairness of the procedures of the Court or the integrity of its decisions. It seems fair to say that courts, like other human institutions, should be judged by their performance. On the basis of performance, fears of usurpation of domestic jurisdiction seem unfounded.

The self-judging aspect of our reservation has proved inconsistent with, and harmful to, our fundamental purpose: to encourage the rule of law through the judicial settlement of legal disputes between nations. Our reservation in this respect is unwarranted by our 14 years of experience with the Court in operation. The Department of Justice therefore renews the recommendation that this part of the reservation be eliminated at the earliest possible date.

## King and Queen of Nepal To Visit United States in April

White House press release dated January 28

The White House announced on January 28 that Their Majesties King Mahendra and Queen Ratna of Nepal, who recently accepted the President's invitation to visit the United States, are scheduled to arrive at Washington on April 27.

Their Majesties will remain in Washington until the morning of April 30, when they will depart on an extensive tour of the United States.

[9] See *Report on the Self-Judging Aspect of the United States' Domestic Jurisdiction Reservation With Respect to the International Court of Justice*, American Bar Association, Section of International and Comparative Law (August 1959) and bibliography therein.

# Peace With Justice in Freedom

*by Andrew H. Berding*
*Assistant Secretary for Public Affairs*[1]

The American people and Government sincerely desire peace. They are eager to work for peace. They are honestly determined to carry out any agreements that might be reached for peace.

This peace of which we speak must, however, be peace with honor. This, to me, has three requirements, all of them interrelated:

that we preserve our national security;

that we help preserve the security of the free world;

that we support the right of all peoples to choose for themselves the form of political, economic, and social system under which they wish to live.

Peace with honor will not be achieved if we sacrifice or blur any one of these three requirements.

This new year, the first of a new decade, will be historic in testing whether peace with justice in freedom is possible in the foreseeable future. President Eisenhower will go in May to Paris for the summit meeting with Chairman Khrushchev. He will go in June to Moscow for further talks with Mr. Khrushchev.

The forthcoming summit conference may not produce final decisions on the great problems which divide the world. We do not believe these can be settled at a blow by any conference. Rather, we should expect these problems will be the subject of a series of conferences, such as the leaders of Britain, France, and the United States have proposed to Mr. Khrushchev, and of efforts below the summit level, such as the nuclear-testing conference and the 10-nation disarmament conference.

Although realistically we shall not go to this initial summit meeting with great expectations, nevertheless it should be valuable in probing Soviet intentions and attitudes.

In recent months, and particularly after Mr. Khrushchev's return from his visit to the United States, we have noted a partial change in Soviet tactics. The Soviets have seemed somewhat more amenable, less aggressive, more relaxed, less provocative.

It has therefore seemed logical to us and our allies that an attempt should be made at a summit conference to see whether this different approach offers a prospect for beginning, at least, to settle some of the major issues outstanding with the Soviet Union. These include disarmament, Germany including Berlin, and a number of items under the overall heading of East-West relations.

The Western Powers have begun intensive work in preparation for the summit meeting. No effort will be spared to arrive at Western positions which will offer fair and honest bases for agreement.

But, while Soviet tactics seem to have changed, we have been able thus far to detect no change whatever in Soviet ultimate ambitions—the creation of a Communist world. Chairman Khrushchev, in a number of statements even after he returned from the United States, has helped us to keep this in mind. He has missed no occasion to insist upon the inevitability of the triumph of communism over the free world and upon his determination to bring this about.

True, he has recently emphasized that this will not be done through war. The Soviet Union's progress in nuclear weapons and missiles may

[1] Address made before the Women's Forum on National Security at Washington, D.C., on Jan. 29 (press release 46).

have had one good result. It may have impressed upon the Soviet rulers the horrible destructiveness of modern weapons. They know that in a major war the Soviet Union would suffer devastation many, many times greater than the terrible losses they experienced in the last war. Therefore the thesis of Lenin that war is necessary to overcome capitalism has evidently been modified.

But the conflict will be waged just the same and with the same intensity as if it were military. The battlefields will be political, economic, psychological. There is every reason to believe that the Soviets will employ all means possible to triumph in all these fields.

#### Meaning of "Peaceful Coexistence"

This is what is meant by the Soviets when they speak of "peaceful coexistence"—a phrase used very often by Chairman Khrushchev during his visit to the United States. It is peaceful only in the sense that it implies no shooting war. All its other connotations are of conflict—conflict between two opposing camps, constant battle for victory of one over the other, ultimate total triumph and ultimate total defeat.

In a speech at Novosibirsk on October 10, 1959, Chairman Khrushchev said: "Coexistence is the extension of the struggle of two social systems. . . . We believe this is an economic, political and ideological struggle but not a military struggle." If this is the meaning of peaceful coexistence, can we take seriously Mr. Khrushchev's call for an end to the "cold war"? Certainly the American people and Government would welcome a genuine Soviet move to end the cold-war policy which lies at the root of the present disagreement between East and West and to replace it with a policy of peaceful cooperation with the rest of the world. But if the emphasis from Moscow is continually on struggle, struggle, struggle, can we believe that Mr. Khrushchev is sincere when he proclaims the end of the cold war?

The Communist reasoning goes something like this:

First, the capitalist and Communist systems (by capitalism the Soviets mean the definition given it by Marx, thus ignoring the developments of the last century) are inherently antagonistic. Their mutual struggle represents the working of an historical process.

Second, the Communist camp is not powerful enough at present to overwhelm the capitalist camp by frontal assault. At the same time the Communist camp has become so powerful that the capitalist camp can no longer overthrow it through war. Therefore the two systems will peacefully coexist until there is a decisive weakening of the capitalist camp or a decisive strengthening of the Communist camp.

Third, since the Communist system represents the wave of the future, its components cannot secede. In other words, condemnation for Yugoslavia and no independence for the satellites.

Fourth, the free flow of non-Communist ideas within the bloc is forbidden because they are poisonous; but the free world should give full access to Communist ideas because they are progressive.

Fifth, competition between the Communist system and the capitalist system can take place only outside the Communist camp, especially in less developed countries. Those countries where the capitalist system has not developed spontaneously should be helped by the bloc to bypass the capitalist stage and proceed directly to communism.

Sixth, the promotion of communism on a worldwide scale is a sacred responsibility of the preeminent Soviet Communist Party, as well as all Communist parties. This, however, does not represent interference in the internal affairs of other countries by the Soviet state.

This is the meaning of peaceful coexistence in the Soviet lexicon, and we need to keep it constantly in mind.

Peaceful coexistence seems to be the only concept available to the Soviets for explaining the prolonged existence of the capitalist system. More than a century ago Karl Marx predicted the collapse of capitalism. But now, lo and behold, in the second half of the 20th century, what Marx called capitalism has disappeared. In its place a great variety of systems, combining in various degrees democratic political forms and mixed economic forms, flourish around the world. In other countries new combinations are evolving, often painfully. Marx's theory, meanwhile, has nowhere proven itself in practice and has everywhere been discarded by life itself. Despite his prediction that the few would become wealthier and the many poorer, the opposite has proven true in countries which have maintained their democratic ways of life.

The United States and the free world generally would warmly welcome an improvement of their relations with the Soviet Union. We shall leave not the smallest pebble unturned to see if this is possible. We are at all times willing to meet the Soviet Government halfway, and then a little more, to achieve true peace.

### Friendship Between Russian and American Peoples

There has been traditional friendship between the Russian and the American peoples. We have long cherished Russian music and literature, we admired Russian bravery and resistance in the last war, we appreciate Russian achievements in science. It is tragic that real peace does not exist between our two peoples.

Certainly there is no quarrel between the American people and the peoples of the Soviet Union. Don't we all want the same thing: self-improvement, a better life for our children, justice, an honest reward for honest labor, and the right to enjoy the fruits of what we have helped create?

The best hope for true peace lies in the prospect that modifications in Soviet behavior ultimately will develop.

What are the true bases for a just and lasting peace, for the free development of each people which is the essential condition for the free development of all? They are tolerance and good-neighborliness, honest and voluntary cooperation by all nations for the good of all, equal justice under law for all nations, respect for the fundamental human rights and for the dignity and worth of man and the equality of all nations, large and small.

Implicit in these principles is abandonment by the Soviet Union of the concept of two hostile camps and acceptance of the concept of one world. In that one world there would continue to be, as always, diverse national cultural and political and social systems, but these would not exist in a perpetual state of nonshooting warfare.

The United States is prepared to do its full part to put these principles into practice. For example, if the Soviet Union were prepared to agree to real independence for the countries of Eastern Europe, President Eisenhower has made it clear that the United States would not seek military alliances with them, would not try in any way to turn them against the Soviet Union, and indeed would want them to have friendly relations with the Soviet Union.

President Eisenhower pointed out the right way in his address to the American people on December 23 last.[2] In contrast to the overtones of implacable struggle contained in peaceful coexistence, please listen to these ringing words of the President:

> Our concept of the good life for humanity does not require an inevitable conflict between peoples and systems, in which one must triumph over the other. Nor does it offer merely a bare coexistence as a satisfactory state for mankind. . . .
>
> We believe that history, the record of human living, is a great and broad stream into which should pour the richness and diversity of many cultures, from which emerge ideas and practices, ideals and purposes, valid for all. We believe each people of the human family, even the least in number and the most primitive, can contribute something to a developing world embracing all peoples, enhancing the good of all peoples.

Madam Chairman, that is the true American concept of the brotherhood of nations and peoples.

### Forthcoming Negotiations

We are now in the course of what may prove long negotiations with the Soviet Union. The negotiations of the United Kingdom and the United States with the Soviet Union on the suspension of nuclear testing have been going on for well over a year. The disarmament negotiations which begin on March 15 may conceivably last for several years. The series of summit conferences proposed by Presidents Eisenhower and de Gaulle and Prime Minister Macmillan, and accepted by Chairman Khrushchev, may likewise continue for years.

There is nothing easy and nothing rapid in negotiations with the Soviet Union.

Three points, therefore, should constantly be kept in mind:

One is the need for patience and realism. We must not demand that our leaders rush quickly into agreements with Mr. Khrushchev simply for the sake of having agreements. We must not expect too much from each stage of negotiation. The issues that divide the two sides are hard and deep, the philosophies are wide apart.

The second is the need to preserve the unity of the free world. In these months of preparation

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[2] BULLETIN of Jan. 18, 1960, p. 75.

for the East-West summit meeting, I venture to predict that we will be reading all sorts of reports about all sorts of conflicts among the Western allies—cleavages, differences, dissensions, splits, divisions, clashes, oppositions, breaches, ruptures, breakdowns, breakups, breakaparts, breakoffs, breakaways, and what have you. There are some more words I might think of, but I won't bore you with them; you will see them in the news reports. Conflict, or the mere suspicion of it, makes news more easily than agreement.

In the preparation of various important positions it is inevitable that different points of view will be expressed and urged. It is one of the strengths of the free world that its members can advance varying points of view in the process of reaching accord. At this time last year we were preparing for the East-West foreign ministers conference at Geneva, and there were innumerable stories concentrating on cleavages among the allies. But when the Western foreign ministers met in Paris 10 days before the opening of the Geneva conference, these differing points of view had been ironed out, or were ironed out by the ministers themselves, and the Western ministers went to Geneva with an agreed-upon forward-looking position, worked out in great detail. I predict the same thing will happen again.

A third point to keep in mind is that as we search for equitable solutions that will conduce to true peace we must maintain strong defenses. Weakness on our part will not serve the cause of peace or of freedom and justice. It will undermine our negotiating position and make agreement more difficult. Almost as bad would be an appearance of weakness leading to the Soviets' assumption that we were neglecting our military defenses. Until enforceable and properly safeguarded agreements are reached, the military capability of the United States and our allies must be kept at a manifestly adequate level.

#### Soviet "Disarmament" Announcement

At present the Soviet Union propaganda apparatus is engaged in a campaign to put across Chairman Khrushchev's announcement on January 14 that the Soviet Government intended to reduce its armed forces over the next 1 or 2 years by 1.2 million men. It should be remembered that in the same announcement Mr. Khrushchev declared that total Soviet armed might would not only *not* be diminished but, because of the development and production of rockets, would in fact increase.

The Soviet so-called "disarmament" equation therefore runs something like this: From 3.6 million men, which they have now, deduct 1.2 million while adding the equivalent in missile firepower of, say, 1.5 million. The Soviet Government tells the rest of the world this is disarmament. It reassures its own people, and particularly the military bureaucracy, that this is increased firepower. Everybody should be happy.

And then Soviet propaganda calls on other states to reduce their armed forces in emulation of the Soviet example. But it does not say to them, at the same time increase your overall military might. And it blandly ignores the root of the whole problem, that it was Soviet actions over the past 15 years which impelled the West to build up its armed forces after it had disbanded the great forces with which World War II was fought.

#### Role of Chinese Communists

Here I should like to add another word of caution. I very much fear that, in our concentration of attention on the forthcoming summit conference with Chairman Khrushchev, we shall forget another part of the world where the issues likewise are hard and deep, where the dangers are constant. I refer to the Far East.

Though there has been some lessening of tension as between Western nations and the Soviet Union, there has been no lessening of tension which the Chinese Communists are continuing to maintain in Asia. The Chinese Communist rulers still breathe fire and fury, still keep Americans imprisoned, still refuse to renounce force as an instrument of policy, still reject the reunification of Korea, still exert their evil influence against their neighbors, still portray the United States as their Enemy Number One—as they did even before they came to power in 1949. The 95th meeting between our Ambassador in Warsaw and the Chinese Communist Ambassador there took place last week, and we are just as far apart as ever.

We gain the vivid impression that the Chinese Communist rulers are reluctant to see Chairman Khrushchev engage in conversations with the Western leaders. They appear to fear he is weakening in what they think should be a merciless fight against the free world. They seem to feel,

and resent, that they are being left out of the councils of the great. But at the same time they insist that the rest of the world accept their standards rather than the reverse.

Elsewhere in the Far East the situation has distinctly improved. The last decade has seen real progress achieved in the Far East. There has been an awakening of Asian awareness to the real dangers of the Communist threat. Communist China's own actions in Tibet and against India have vividly illustrated these dangers.

The independence and freedom of our Asian friends has been maintained through our individual and collective security efforts. Our economic aid programs are helping their peoples toward a better material life. The new decade we have just entered should see further progress in economic, social, and political endeavors to meet the basic aspirations of Asian nationalism.

Last week there occurred an event of profound significance to the Pacific area, Asia, and the world—the signing of the treaty of mutual cooperation and security between Japan and the United States.[3] This treaty set the seal of friendship upon the partnership for peace of the two nations. With the cooperation of the virile, ingenious, forward-looking Japanese people, we can look with greater confidence toward increased stability and economic betterment in the area.

Madam Chairman, this is the first month of a new decade which should prove decisive for the future of the world. This initial year of the decade promises to be an extraordinarily busy one, probably an augury of the whole decade. This year should give us further evidences of the astounding benefits science can bring to mankind if only good sense, restraint, tolerance, and consideration for others is manifest throughout the world.

My own hunch is that we shall have peace. This can be the uncertain, unreal peace we have now, or it can be true peace with justice. We shall never cease to assert that the former is not good enough for the men, women, and children who inhabit this globe. We shall continue unceasingly to work honorably for the latter. For it is the only basis on which mankind can prosper and be truly happy.

[3] For text of the treaty, together with a communique and other related documents, see *ibid.*, Feb. 8, 1960, p. 179.

What we want and what the peoples of all the world want are much the same things. We want to construct a better world for our children, one in which they can live in security against war, privation, ignorance, and injustice. We want a world in which each nation can freely contribute its ideas and the benefit of its experience to others and can as freely draw upon the ideas and experiences of other nations. We want to cooperate with other peoples in building an international order in which each can realize its national ambitions without exploiting or threatening the well-being of others. Nations with different economic, political, and social systems, we believe, can work together fruitfully for common goals if they accept the principles of the U.N. Charter: tolerance for other nations' ways of life and voluntary cooperation for the good of all.

## U.S. Restates Policy Toward Cuba

### STATEMENT BY PRESIDENT EISENHOWER

White House press release dated January 26

Secretary Herter and I have been giving careful consideration to the problem of relations between the Governments of the United States and Cuba. Ambassador [Philip W.] Bonsal, who is currently in Washington, shared in our discussions. We have been, for many months, deeply concerned and perplexed at the steady deterioration of those relations,[1] reflected especially by recent public statements by Prime Minister Castro of Cuba as well as by statements in official publicity organs of the Cuban Government. These statements contain unwarranted attacks on our Government and on our leading officials. These attacks involve serious charges, none of which, however, has been the subject of formal representations by the Government of Cuba to our Government. We believe these charges to be totally unfounded.

We have prepared a restatement of our policy toward Cuba, a country with whose people the people of the United States have enjoyed and expect to continue to enjoy a firm and mutually beneficial friendship.

The United States Government adheres strictly

[1] For Department statements concerning U.S.–Cuba relations, see BULLETIN of Nov. 16, 1959, p. 715, and Feb. 1, 1960, p. 158.

to the policy of nonintervention in the domestic affairs of other countries, including Cuba. This policy is incorporated in our treaty commitments as a member of the Organization of American States.

Second, the United States Government has consistently endeavored to prevent illegal acts in territory under its jurisdiction directed against other governments. United States law enforcement agencies have been increasingly successful in the prevention of such acts. The United States record in this respect compares very favorably with that of Cuba, from whose territory a number of invasions directed against other countries have departed during the past year, in several cases attended with serious loss of life and property damage in the territory of those other countries. The United States authorities will continue to enforce United States laws, including those which reflect commitments under inter-American treaties, and hope that other governments will act similarly. Our Government has repeatedly indicated that it will welcome any information from the Cuban Government or from other governments regarding incidents occurring within their jurisdiction or notice which would be of assistance to our law enforcement agencies in this respect.

Third, the United States Government views with increasing concern the tendency of spokesmen of the Cuban Government, including Prime Minister Castro, to create the illusion of aggressive acts and conspiratorial activities aimed at the Cuban Government and attributed to United States officials or agencies. The promotion of unfounded illusions of this kind can hardly facilitate the development, in the real interest of the two peoples, of relations of understanding and confidence between their Governments. The United States Government regrets that its earnest efforts over the past year to establish a basis for such understanding and confidence have not been reciprocated.

Fourth, the United States Government, of course, recognizes the right of the Cuban Government and people in the exercise of their national sovereignty to undertake those social, economic, and political reforms which, with due regard for their obligations under international law, they may think desirable. This position has frequently been stated, and it reflects a real understanding of and sympathy with the ideals and aspirations of the Cuban people. Similarly, the United States Government and people will continue to assert and to defend, in the exercise of their own sovereignty, their legitimate interests.

Fifth, the United States Government believes that its citizens have made constructive contributions to the economies of other countries by means of their investments and their work in those countries and that such contributions, taking into account changing conditions, can continue on a mutually satisfactory basis. The United States Government will continue to bring to the attention of the Cuban Government any instances in which the rights of its citizens under Cuban law and under international law have been disregarded and in which redress under Cuban law is apparently unavailable or denied. In this connection it is the hope of the United States Government that differences of opinion between the two Governments in matters recognized under international law as subject to diplomatic negotiations will be resolved through such negotiations. In the event that disagreements between the two Governments concerning this matter should persist, it would be the intention of the United States Government to seek solutions through other appropriate international procedures.

The above points seem to me to furnish reasonable bases for a workable and satisfactory relationship between our two sovereign countries. I should like only to add that the United States Government has confidence in the ability of the Cuban people to recognize and defeat the intrigues of international communism which are aimed at destroying democratic institutions in Cuba and the traditional and mutually beneficial friendship between the Cuban and American peoples.

### STATEMENT BY AMBASSADOR BONSAL[2]

I am proceeding to Washington for consultations with the Secretary of State and officers of the Department on our relations with the Government of Cuba. I do not know how long I will be in Washington. As you know, I was here earlier this month for the same purpose. My second trip in a very few weeks is due to the

[2] Made at Idlewild Airport, New York, N.Y., on Jan. 23 (press release 36 dated Jan. 25).

highly regrettable deterioration of the relations between our Government and the Government of Cuba. Recent public statements by the Prime Minister of Cuba, Dr. Fidel Castro, and statements in official publicity organs of the Cuban Government have contained unwarranted attacks on our Government and on our leading officials, including the Vice President and the Secretary of State. The situation created by those attacks will be the topic of my consultations in Washington.

However, in these consultations I will bear constantly in mind the traditional and very lively friendship and affection which exist between the Cuban and American peoples. During my year in Cuba I have had, in my capacity as a representative of the United States Government, many heartening evidences of that friendship and of its indestructibility.

I will also, in these consultations, be mindful of and sympathetic with the legitimate ideals and aspirations of the Cuban people and of their desire for improved living conditions. I believe that those aspirations and ideals are similar to our own and that the people of Cuba, like our own, have faith in the methods of democracy for their achievement.

I believe furthermore that steady social and economic progress in Cuba is not inconsistent with a due regard for the rights of private American interests there, since those interests have, generally speaking, made highly constructive contributions to the island's economy.

## United States–Soviet Lend-Lease Talks Discontinued

### DEPARTMENT STATEMENT

Press release 42 dated January 27

A profound difference of opinion has become apparent between the Soviet and U.S. Governments concerning the terms of reference of the negotiations which began January 11, 1960, on the unsettled Soviet lend-lease account. Following the conversations at Camp David,[1] it had been the understanding of the U.S. Government that these negotiations were to deal with the lend-lease settlement as a separate and independent problem. In conformity with this understanding the United States Ambassador to the Soviet Union [Llewellyn E. Thompson] sent a note to the Soviet Minister of Foreign Affairs on December 7, 1959, in which, after referring to "the September meetings between President Eisenhower and Chairman of the Council of Ministers of the U.S.S.R., N. S. Khrushchev, at which time the Chairman agreed to a resumption of negotiations for a settlement of lend-lease," it was proposed that such negotiations begin in Washington on January 11, 1960.

In his reply of December 22, 1959, Mr. [Andrei A.] Gromyko appeared to confirm this understanding by stating that the Soviet Government "is prepared to begin negotiations in Washington on January 11, 1960 for settling the question of Lend-Lease" and by making no reference to any other subject of negotiation in this connection. However, when the negotiations actually began on January 11, 1960, it was the position of the Soviet Government that a lend-lease settlement could not be considered as a separate and independent problem but that any settlement of this question would have to be accompanied by the simultaneous conclusion of a trade agreement giving most-favored-nation treatment to the Soviet Union and the extension of long-term credits on acceptable terms to the Soviet Union. Charles E. Bohlen, Special Assistant to the Secretary of State, who has represented the U.S. in these negotiations, explained during their course why the U.S. Government is not in a position at this time to negotiate on either of these subjects.

In explaining the U.S. position and in conformity with the discussions at Camp David, Mr. Bohlen made it plain that a satisfactory lend-lease settlement was an essential prerequisite before the executive branch could take up with Congress the possibility of removing some of the existing legislative restrictions which have an effect upon Soviet–U.S. trade.

The current Soviet position that a lend-lease settlement must be accompanied by simultaneous conclusion of a trade agreement and the extension of long-term credits, nevertheless, has remained unchanged.

In addition this position was further reaffirmed in most definite form by Mr. Gromyko, the Soviet Minister of Foreign Affairs, in a conversation on January 19 with Ambassador Thompson in Mos-

[1] For text of a joint communique released at the conclusion of talks between Premier Khrushchev and President Eisenhower at Camp David, Md., see BULLETIN of Oct. 12, 1959, p. 499.

cow. In view of the absence of agreement between the two Governments concerning the terms of reference of these negotiations, there would appear to be no common ground for their continuance at this time.

The U.S. Government, however, is prepared to resume negotiations for a lend-lease settlement at any time that the Soviet Government is prepared to negotiate on this as a separate and independent question.

### NOTES SETTING UP NEGOTIATIONS

#### U.S. Note of December 7

AMERICAN EMBASSY, *Moscow, December 7, 1959*

EXCELLENCY: I have the honor to refer to the September meetings between President Eisenhower and Chairman of the Council of Ministers of the U.S.S.R., N. S. Khrushchev, at which time the Chairman agreed to a resumption of negotiations for a settlement of lend-lease.

I am instructed to state that the Government of the United States is prepared to undertake such negotiations, and proposes that they begin in Washington on January 11, 1960. Ambassador Charles E. Bohlen will conduct the negotiations for the United States.

A reply at the early convenience of the Government of the Union of Soviet Socialist Republics as to whether it is agreeable to this proposal, and as to whom it will designate to conduct the negotiations for its side, would be appreciated.

Accept, Excellency, the renewed assurances of my highest consideration.

LLEWELLYN E. THOMPSON

His Excellency
ANDREI A. GROMYKO
*Minister of Foreign Affairs*
*of the Union of Soviet Socialist Republics*

#### Soviet Reply of December 22

Unofficial translation

Moscow, *22 December 1959*

MR. AMBASSADOR: In acknowledging receipt of your note of December 7, 1959, I have the honor to state that the Government of the Union of Soviet Socialist Republics is prepared to begin negotiations in Washington on January 11, 1960 for settling the question of Lend-Lease. The representative of the Soviet Union at these negotiations will be M. A. Menshikov, Soviet Ambassador Extraordinary and Plenipotentiary in the United States.

I beg you to accept, Mr. Ambassador, the assurances of my high esteem.

A. GROMYKO

His Excellency
MR. LLEWELLYN E. THOMPSON,
*Ambassador Extraordinary and Plenipotentiary of the*
*United States of America*

## The Rural Community in a Worldwide Setting

*by Robert H. Thayer*[1]

I am going to ask you to concentrate your special strength, your initiative, your enthusiasm, and your energy to the job that I believe is the most important job in the world today—important for you and for me and for our children and grandchildren and all who come after them.

It is the job of establishing international mutual understanding between the people of America and the peoples of the new, sensitive areas of the world. If that job can be done and done well, there can be lasting peace in the world and peace with justice, freedom, and dignity for the individual. Since I spent 2½ years in the Communist-dictated country of Rumania,[2] I know only too well that peace without justice, freedom, and dignity for the individual is not peace at all and that a life under such a peace is not worth living.

What does international mutual understanding mean? It isn't complicated; it is very simple. It means getting to know people from foreign lands, the way they live, the way they dress, what they eat, what they do, the things they produce and how they produce them, and the way they think and how they express their thoughts in words or song or story. It means finding out what makes them tick and helping them to learn what makes you tick. It means recognizing that people from foreign lands have different ways of doing things and because their ways are different from yours doesn't mean that they are wrong. What may be wrong for you may be right for them and vice versa. Their customs, their reactions, their likes and dislikes won't be the same as yours; but blood runs in their veins, they are happy or sad, they laugh or they cry, they are bold or afraid, exactly as you and I are. And since they are human beings like you and me, they are perfectly understandable to you and me and perfectly capable of understanding you or me. And let me emphasize this point. Mutual understanding does

[1] Address made before Ruritan National at Louisville, Ky., on Jan. 25 (press release 33). Mr. Thayer is Special Assistant to the Secretary of State for the Coordination of International Educational and Cultural Relations.

[2] Mr. Thayer was American Minister to Rumania from August 1955 to December 1957.

not have to be mutual liking or mutual admiration. You need not like or admire someone to understand him. If you understand someone you dislike, you can adjust yourself to him, but dislike coupled with lack of understanding leads to situations that bring on the danger of clashes and incidents which lead to war.

I wish we could do away with the word "foreigner" or even the word "foreign" when we speak of people from other lands. There are many meanings of the word "foreign" if you look it up in the dictionary, many of them perfectly appropriate, but I am afraid we tend to think of the harsher meanings of the word, such as alien in character, not appropriate, outlandish, remote—like having a foreign body in your eye. It is curious how perfectly harmless words can gradually take on a connotation that was never intended. A foreigner is simply someone who comes from a land other than one's own; a foreigner is not someone who is strange or undesirable or even so terribly different once mutual understanding is established. But unfortunately we Americans, after years of isolation, tend to approach foreigners with a chip on our shoulders. There is a psychological bloc that we must and can overcome which handicaps us in our relations with other people.

**Crusade for Mutual Understanding**

Why am I asking for *your* help particularly in this situation? Did you know that two-thirds of the world's population live in small towns, villages, and rural communities? And the percentage is even higher in those sensitive areas of the world where new nations are springing into being and groping with the problems which freedom and sovereignty bring. The principal objective of all these people is exactly the same as the objective of Ruritan—to make their small towns, villages, and rural communities better places in which to live.

You here have an unusual cultural affinity with similar peoples in these sensitive areas, and as a result you have an unusual opportunity and, as citizens of the United States, an unusual responsibility. You are better equipped by background, experience, and temperament born of your environment to establish mutual understanding between the peoples of America and the peoples of these nations than anyone else in this country. This means that you can make a very powerful contribution to the maintenance in the world of peace with justice, freedom, and individual dignity if you have the inclination and the will to do so. You can do so by enlisting in this crusade that I, on behalf of the Government of the United States, am urging all American citizens to join—a crusade not to jam the American way of life down the throats of the peoples of these new countries, but a crusade to make it possible for these peoples to understand the peoples of America and from that understanding to reap the benefits of our experience as pioneers in solving some of the very same problems with which they are faced as new nations.

It wasn't so very long ago that we began in America to suffer the pangs of the birth of a new nation, to learn how to conquer the wilderness and arid lands to feed our growing population, and to build our small towns and villages. From this experience, which, I think, no one can deny has been pretty successful, can we not help others who are on the threshold of this same experience? Of course we can. But we can only do it if we first establish mutual understanding so that we shall know these people well enough to be able to help them in a way which they won't misinterpret as being patronizing, or as imposing our will upon them, or as attempting to take them over, and so that they will know us for what we, as Americans, really are and not as the international Communists would have them believe we are.

I remember not so long ago standing outside my hotel in the city of Cluj in Rumania, a city which used to have a fine university—it still is a university town—and I was surrounded by a great mass of young people from the university, who always crowded around the car with the American flag on it and plied us with questions about America. After one of them had cross-examined me about university life in this country, I said to him, "Come on over and see what America is really like." He replied quickly, "Oh, I couldn't. I don't want to join the millions of starving unemployed in America." It was Hitler's man Goebbels who first found that if you use the lie often and long enough it begins to be believed. International communism is still following this procedure.

Fifty-eight years ago, shortly after the turn of

the century, an American Protestant minister named John House was serving as a missionary in Greece in a rural area near the city of Salonika. Like most missionaries, the Reverend House was a teacher as well as a clergyman. What impressed John House most about his students was their extreme poverty and the great difficulty their farm families were having in trying to conquer an almost barren soil.

John House borrowed money, purchased 50 acres of land in Greece, and started a school for the purpose of helping his students in their farming problems. His students learned and returned to their villages to teach others. Thus was established the American Farm School of Salonika, a permanent link between rural America and rural Greece.

Each year 500 youngsters from villages throughout Greece come to the American Farm School for training in the operations of a rural community. These young farmers are as much pioneers as were the American frontiersmen who battled their way west during the 19th century, and they are learning some of the lessons learned by American pioneers. At the American Farm School the future leaders of rural Greece are as much the inheritors of the democratic ideals and rugged individualism of the American pioneers as are all of us here tonight.

This is the type of activity that can serve as a basis for building solid ties of international understanding which no Communist ideology or totalitarian demagog will be able to sever. I know that rural America, represented by you here tonight, can lead the way in identifying the United States with the aspirations and needs of the people in rural areas throughout the world, and that is why I need your help.

#### Opportunities for Cultural Diplomacy

What have I, in my position as head of the Bureau of International Cultural Relations, to do with all of this, and where does the Government come in? The United States takes a leading part in the opening of communications between the people of this country and the peoples of other countries, so that they can get to know each other and respect each other's accomplishments and problems in every aspect of their lives and contribute from each other's knowledge and experience to the building of a better community.

The peoples of Africa, Asia, and Latin America would like to profit from our experience in their forward march. But they are not going to follow blindly the example provided by rural America, even though that example during the development of our country during the past 200 years is a magnificent one. Our experience was the result of the combination of traditional ideas of democracy, individual dignity, and basic faith in religion, mixed in proper proportions with a genius for innovation and an inexhaustible capacity for modernization. But we should recognize the fact that mutual understanding must be established first, before anyone is going to be willing to profit by our experience.

My job is to open up opportunities for this understanding through what I have been calling "cultural diplomacy." What is cultural diplomacy? It is the process of communicating the culture of one people to another people so as to bring about complete mutual understanding. It is the concentrated use of our cultural and educational resources in the field of foreign affairs for the development of that social environment which will make for enduring peace and the political common good of mankind. It is a job that cannot be accomplished by the State Department or any other agency alone. It is a job that demands the wholehearted and active participation of Americans in every area and walk of life.

#### Government Activities and Private Initiative

Let me show you how your Government is taking action in the development of understanding between Americans and the peoples of other countries and how you can take the initiative in this field.

In the State Department's Bureau of International Cultural Relations, which I head, we spend well over $30 million a year in carrying out a variety of exchange programs. The biggest one is the International Educational Exchange Program, which many Americans know in terms of the Fulbright and Smith-Mundt scholarships that are awarded to students, teachers, and college professors. More than 65,000 alumni of this program in the United States and abroad are helping to enlighten their fellow citizens about foreign cultures.

During the past 2 years we have made special arrangements to extend our cultural and educational exchange programs to the Soviet-bloc coun-

tries of Eastern Europe. Last November the Soviet Union and the United States agreed to extend this program for another 2 years and to expand cooperative efforts in a variety of cultural and scientific fields.[3]

Under the President's Special International Program for Cultural Presentations we assist the foreign appearances of American orchestras, dance groups, theater societies, athletic organizations, and other cultural attractions. In cooperation with the United States National Commission for UNESCO we help carry out the cultural programs of the United Nations Educational, Scientific and Cultural Organization.

In all of these activities Americans, whether they be students, teachers, college professors, musicians, actors, ballet dancers, or whatever else, come face to face with the people of other lands—either here or abroad—and through personal contact are able to establish the kind of relationship between human beings that alone can lay the bond of real mutual understanding.

What specifically can you do to help in this work? You are already doing a great deal. I congratulate Ruritan on its planned hospitality program for foreign visitors during 1960. I congratulate rural America for such successful programs as the International Farm Youth Exchange, the overseas programs of the Future Farmers of America, the "Farmer-to-Farmer Program" of Farmers and World Affairs, and the rural development programs of 24 American land-grant colleges. I think it significant that the counterpart of 4–H Club work in the United States has been established in 33 countries with 20,000 clubs for 625,000 boys and girls.

The basic ideals behind agricultural extension work, vocational schools, and land-grant colleges have permeated and taken root in rural areas from Viet-Nam to Turkey. I attribute these developments in a large measure to the excellent way in which rural America has taken to its heart the tens of thousands of foreign citizens who have come to the United States to be trained in the leadership of rural communities and to the enthusiasm with which our experts in rural organization have gone abroad to demonstrate the techniques and communicate the ideals that have made America so strong at the "grass roots."

[3] For text of a joint communique issued at the conclusion of negotiations, see BULLETIN of Dec. 7, 1959, p. 848; for text of cultural agreement, see *ibid.*, Dec. 28, 1959, p. 951.

### Developing a Universal Consciousness

I have something very simple to ask you to do. I want you to make up your minds tonight that you will bring up your children to speak at least one, if not two, languages other than our own; that you will bring them up to think it just as important to know intimately and to understand people from lands as far away as Asia as it is to know the family that lives next door. For with the jet age your next-door neighbor is not going to be a Kentuckian; your next-door neighbor is going to be from Asia and Africa and the Middle East.

Our children must learn to speak foreign languages in their schools, and we need more people who are able to speak the nonwestern languages like Hindi, Swahili, and Arabic. We need to develop a universal consciousness of other cultures that will bring Djakarta and Algeria as close to us as Wakefield, Virginia, and Washington, D.C. We need a large corps of trained students, businessmen, government workers, labor leaders, agricultural experts, and professional people who will be as much at home in Kabul, Afghanistan, and Santiago, Chile, as they are in Boonsboro, Maryland, or Ames, Iowa.

In short, we must place our communities in the context of a worldwide setting and modify our institutions accordingly.

I would like to see our elementary and high school children giving oral presentations in foreign languages as fluently as they do in English. I would like to see subjects like pan-Africanism and the European Common Market become as much a part of our lives as recreation centers and county fairs. I would like to see our local newspapers carry more news and feature stories about life in Latin America and southeast Asia.

I think all of us should strive to add world citizenship to our basic responsibilities of citizenship in our Nation, States, and local communities.

I know that the broadening of our horizons from our immediate environments to areas thousands of miles away will not be easy to accomplish. I know some people who would not be very comfortable in going from New Jersey to Nebraska or from Tennessee to Oregon, much less in trying to comprehend the social customs, religions, and ways of life of people in Morocco or Mozambique.

But this is both a jet age and an age of world leadership for the United States. We need to exercise that leadership with skill, boldness, and compassion. Our greatest asset for that task is our people—people who have the basic traditions and pioneer spirit to conquer new frontiers.

The job of perfecting communications between peoples is our big frontier as we enter the exciting decade of the 1960's. It is a frontier not only for rural America but for urban America and exurban America as well.

I urge you to discuss ways and means of establishing more extensive contacts with foreign communities. As community leaders you should examine your schools to see if they are training your children for world leadership and citizenship. Add world affairs to the discussions at your monthly Ruritan meetings. Bring your communities into the international picture.

If you will join this crusade of cultural diplomacy we will succeed in breaking down the purely psychological and artificial barriers that keep Americans and peoples of other lands apart, and we will create a climate where it is going to be possible for the wealth of our experience and success in the building of our new nation to contribute to the building of the multitude of new nations springing to life in the less developed areas of the world. And the most valuable part of this contribution will be the knowledge of how to build a nation with justice, freedom, and dignity for the individual.

## Nations Invited To Participate in 1964 New York World's Fair

Press release 31 dated January 22

**Department Announcement**

The Department of State, on January 21, 1960, sent to the diplomatic corps in Washington, D.C., a diplomatic note from the Secretary of State enclosing an invitation from Robert F. Wagner, Mayor of the City of New York, to take an active part in the 1964 World's Fair to be held at New York City in that year in celebration of the tercentenary anniversary of the City of New York.

The 1964 World's Fair at New York has adopted as its theme "Peace Through Understanding" and is sponsored as an event of primary international significance. Although held under private auspices, it enjoys the support and cooperation of the Governments of the State of New York and the City of New York, as well as prominent business, civic, industrial, trade, and labor organizations having national and international ties of great importance.

The selection of the City of New York as the location for the 1964 World's Fair was recommended by a Presidential commission in a report approved by the President on October 29, 1959.

For these reasons, and also because 1964 will mark the 15th anniversary of New York as the permanent home of the United Nations, the Department of State favors the holding of such an important international exposition and hopes that as many nations as possible will be represented at the 1964 World's Fair at New York.

The general regulations of the New York World's Fair will be made available at the earliest opportunity. Correspondence and inquiries concerning the New York World's Fair should be addressed to the New York World's Fair 1964 Corporation, Empire State Building, New York 1, N.Y.

### Text of Invitation

DEAR MR. AMBASSADOR: I have the honor to extend to your government a formal invitation to participate in a World's Fair to be held in the City of New York to celebrate its Tercentenary Anniversary in the year 1964.

The holding of this Fair has been approved by the President of the United States on the recommendation of a Special Presidential Commission appointed by him which, under date of October 29, 1959, recommended to the President of the United States that the holding of an international exposition of the first category in the City of New York in 1964 should be supported by the Federal Government and which Commission further recommended that "New York City, of all American cities, is best qualified to accomplish the monumental effort required."

The President of the United States also approved the recommendations of the Presidential Commission to assist in obtaining maximum participation by foreign nations in the New York City 1964 World's Fair.

I would like to express our sincere wish that the commercial, industrial and trade organizations in your country might also exhibit at the "1964 New York World's Fair" and that your government will assist them in arranging for their participation.

This "1964 New York World's Fair" has taken for its theme, the significant words, "Peace Through Understanding" and it is our hope that the exhibitors, both governmental and private, will demonstrate to the mil-

lions of visitors to the Fair, the interdependence of all nations and people to the end that through this "1964 New York World's Fair", all who visit it will carry away with them a deeper understanding of each of the nations of the world—an understanding that will help to promote that peace sought by all peoples everywhere.

The occasion for this Fair, our Tercentenary Anniversary, enables me to call to your attention the close ties between New York City and the nations of the world. In these 300 years, through our City have come millions of immigrants, who have brought to this nation the culture and national backgrounds of every nation on earth. These immigrants, by their later citizenship in the United States have created ties with all nations that have and will ever be a major influence in the mutual good-will between our great country and yours. Our great city has been the host to the leaders of other nations, and time and time again has, we hope, supplied living proof that peoples of many national origins, race, color and creed can live together in peace and harmony.

I believe that the "1964 New York World's Fair" to be held in honor of this Anniversary will truly be an event of international importance. In 1964, it will have been 25 years since last the nations of the world met in our city to exchange cultural, commercial and industrial ideas. Then we called that World Fair, "The World of Tomorrow". When one considers the strides that have been made since that time, the new discoveries and industries that were then undreamed of—atomic power, television, cybernetics—it is not difficult to picture the wonders that this "1964 New York World's Fair" will reveal.

The City of New York is, I believe, a most desirable place for the holding of this World's Fair. The site of the previous Fair held in the United States in the year 1939 is admirably adapted and has been made available for the "1964 New York World's Fair". This location, at Flushing Meadow, was originally prepared at a cost in excess of $26,000,000.00—and has been preserved as a Park during the years since 1939. In addition since the establishment of the United Nations Headquarters in New York City, our city has become increasingly important in international affairs; and is, we hope you will agree, the leading center of trade and commerce in the world today. It is the largest city on this Continent and possesses more facilities for housing, transporting, feeding and entertaining visitors than any other city in the United States.

This Fair has the full support of all segments of business, industry and culture of the City and State and the Governor of the State of New York, the Honorable Nelson A. Rockefeller, has pledged the full support of the State of New York to this exposition and has joined in our request that the Federal Government transmit this invitation to your Government.

Detailed information about the "1964 New York World's Fair" will be communicated to you by the Fair's management.

Most respectfully,

ROBERT F. WAGNER
*Mayor*

## Views Invited on GATT Relations With Tunisia and Poland

Press release 51 dated January 29

**DEPARTMENT ANNOUNCEMENT**

As a result of public notices issued on January 29 by the Trade Agreements Committee and the Committee for Reciprocity Information, public views are requested regarding the provisional accession of Tunisia to the General Agreement on Tariffs and Trade (GATT) and regarding a relationship between Poland and the Contracting Parties to the GATT closer than that afforded by the observer status which that country now has.

The General Agreement on Tariffs and Trade is a multilateral trade agreement containing schedules of tariff concessions and general provisions designed to facilitate the expansion of trade on a multilateral nondiscriminatory basis. Thirty-seven countries, including the United States, are contracting parties to the GATT and several others participate in its work on a limited basis.

The Government of Tunisia has expressed its readiness to enter into tariff negotiations with a view to acceding to the GATT. Under the arrangements which have been proposed for Tunisia's provisional accession to the GATT, these negotiations would take place during the GATT tariff conference which will convene at Geneva in September of 1960. Pending the conclusion of these negotiations, it is proposed that Tunisia accede provisionally to the GATT, applying the provisions of the GATT to contracting parties to that agreement which formally accept these arrangements, but Tunisia would not undertake obligations with respect to tariff concessions. In return such contracting parties would apply to Tunisia the provisions of the agreement other than those which accord direct rights to their schedules of tariff concessions. Tunisia will also participate on a limited basis in the work of the Contracting Parties to the GATT.

The arrangements for the provisional accession of Tunisia would not involve the modification of any United States tariff rates or the addition of any new articles to any existing schedule of United States duty concessions. The United States has no bilateral trade agreement with Tunisia.

At the invitation of the Contracting Parties, Poland has been represented by an observer at meetings of the Contracting Parties since their 12th session (October–November 1957). Recently Poland and the Contracting Parties have had under consideration the means of achieving a closer relationship. The arrangements which have been developed would record the desire of Poland and contracting parties which formally accept these arrangements to expand their trade with each other. They provide that Poland would undertake promptly to make public certain information such as laws, regulations, and statistics relating to trade. Provision would be made for the bilateral adjustment of questions arising out of the arrangements and for an annual review by the Contracting Parties to the General Agreement of the implementation of the arrangements. Poland would participate, without a vote, in the work of the Contracting Parties.

The United States has no bilateral trade agreement with Poland. The proposed arrangements would not require the granting of most-favored-nation treatment to trade with Poland and would not involve the granting of new concessions in any United States tariff rates or the extension to Poland of any rights to any existing United States tariff concessions.

Interested persons may express views regarding any aspect of the participation of the United States in these arrangements with respect to Tunisia and Poland. Such views will be carefully considered before a final decision is reached as to the United States position with regard to these arrangements.

Written views should be submitted to the Committee for Reciprocity Information, the interdepartmental committee which receives views concerning trade agreement matters, by February 29, 1960, and public hearings by the Committee will open on March 15, 1960. Requests for appearances at the hearings, which may be made only by persons filing written briefs, may be sent to the Chairman, Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D.C.

Copies of the notices by the Trade Agreements Committee and the Committee for Reciprocity Information and of the arrangements under consideration for Tunisia and Poland are attached.

## NOTICE OF PUBLIC HEARINGS

### COMMITTEE FOR RECIPROCITY INFORMATION

GENERAL AGREEMENT ON TARIFFS AND TRADE: PROVISIONAL ACCESSION OF TUNISIA; RELATIONS WITH POLAND

Submission of Information to the Committee for Reciprocity Information

Closing date for Applications to Appear at Hearing February 29, 1960

Closing date for Submission of Briefs February 29, 1960

Public Hearings Open March 15, 1960

The Interdepartmental Committee on Trade Agreements has issued on this day a notice of intention to consider participating in arrangements, not involving the conduct of tariff negotiations, for the provisional accession of Tunisia to the General Agreement on Tariffs and Trade and for accomplishing relations with Poland under the General Agreement closer than the observer status now applicable to that country.

Pursuant to paragraph 5 of Executive Order 10082 of October 5, 1949, as amended (3 CFR, 1949–1953 Comp., pp. 281, 355), the Committee for Reciprocity Information hereby gives notice that all applications for oral presentation of views in regard to any aspect of the foregoing proposals shall be submitted to the Committee for Reciprocity Information not later than February 29, 1960. The application must indicate an estimate of the time required for oral presentation. Written statements shall be submitted not later than February 29, 1960. Such communications shall be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D.C." Fifteen copies of written statements, either typed, printed, or duplicated, shall be submitted, of which one copy shall be sworn to.

Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked "For Official Use Only of the Committee for Reciprocity Information".

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard, beginning at 10:00 a.m. on March 15, 1960 in the Hearing Room in the Tariff Commission Building, Eighth and E Streets, N.W., Washington, D.C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

Copies of the notice issued today by the Interdepartmental Committee on Trade Agreements may be obtained from the Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D.C., and may be inspected at the Field Offices of the Department of Commerce.

By direction of the Committee for Reciprocity Information this 29th day of January, 1960.

EDWARD YARDLEY
*Secretary*
*Committee for Reciprocity Information*

## NOTICE OF INTENTION TO PARTICIPATE IN PROPOSED ARRANGEMENTS

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

GENERAL AGREEMENT ON TARIFFS AND TRADE: PROVISIONAL ACCESSION OF TUNISIA; RELATIONS WITH POLAND

Pursuant to section 4 of the Trade Agreements Act approved June 12, 1934, as amended (48 Stat. 945, ch. 474; 65 Stat. 73, ch. 141), and to paragraph 4 of Executive Order 10082 of October 5, 1949, as amended (3 CFR, 1949–1953 Comp., pp. 281, 355), notice is hereby given by the Interdepartmental Committee on Trade Agreements of intention to consider arrangements, not involving the conduct of tariff negotiations, for the provisional accession of Tunisia to the General Agreement on Tariffs and Trade, and for accomplishing a relationship with Poland under the General Agreement closer than the observer status now applicable to that country.

1. *Tunisia.* Under the arrangements for the provisional accession of Tunisia that country would apply the provisions of the General Agreement to contracting parties to that Agreement which formally accept these arrangements. Tunisia would not undertake obligations with respect to tariff concessions. In return such contracting parties would apply to Tunisia the provisions of the Agreement other than those which accord direct rights to their schedules containing tariff concessions. The United States has no bilateral trade agreement with Tunisia.

2. *Poland.* The arrangements with respect to Poland would record the desire of Poland and of contracting parties to the General Agreement which formally accept these arrangements to expand their trade with each other. They provide that Poland would undertake promptly to make public certain information such as laws, regulations, and statistics relating to trade. Provision would be made for the bilateral adjustment of questions arising out of these arrangements and for an annual review by the Contracting Parties to the General Agreement of the implementation of the arrangements. Poland would participate, without a vote, in the work of the Contracting Parties.

The proposals with respect to neither of these two countries would involve the modification of any United States tariff rates or the addition of any new articles imported into the United States to any existing schedule of United States tariff concessions.

Pursuant to section 4 of the Trade Agreements Act, as amended, and paragraph 5 of Executive Order 10082, as amended, information and views as to any aspect of the proposals announced by this notice may be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee.

By direction of the Interdepartmental Committee on Trade Agreements, this 29th day of January, 1960.

JOHN A. BIRCH
*Chairman*
*Interdepartmental Committee on Trade Agreements*

## TEXTS OF DECLARATIONS

### Tunisia

DECLARATION ON THE PROVISIONAL ACCESSION OF TUNISIA TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Government of Tunisia and the other governments on behalf of which this Declaration has been accepted (the latter governments hereinafter referred to as the "participating governments");

*Considering* that the Government of Tunisia on 4 November 1959 made a formal request to accede to the General Agreement on Tariffs and Trade (hereinafter referred to as the "General Agreement") in accordance with the provisions of Article XXXIII of the General Agreement; and

*Having regard* to the desire of many contracting parties to the General Agreement to conduct the tariff negotiations with Tunisia, which it is considered should precede accession under Article XXXIII, during the tariff conference to be held in 1960 and 1961, arrangements for which are being made by the CONTRACTING PARTIES to the General Agreement (hereinafter referred to as the "CONTRACTING PARTIES"):

1. *Declare* that, pending the accession of Tunisia under the provisions of Article XXXIII, following the conclusion of tariff negotiations with contracting parties to the General Agreement, the commercial relations between the participating governments and Tunisia shall be based upon the General Agreement as if the provisions of the model protocol of accession approved by the CONTRACTING PARTIES on 23 October 1951, were embodied in this Declaration, except that Tunisia shall not have any direct rights with respect to the concessions contained in the schedules annexed to the General Agreement either under the provisions of Article II or under the provisions of any other Article of the General Agreement.

2. *Request* the CONTRACTING PARTIES to perform such functions as are necessary for the operation of this Declaration.

3. This Declaration, which has been approved by the CONTRACTING PARTIES by a two-thirds majority, shall be opened for acceptance, by signature or otherwise, by Tunisia, by contracting parties to the General Agreement, and by any governments which accede provisionally to the General Agreement.

4. This Declaration shall be deposited with the Executive Secretary of the CONTRACTING PARTIES to the General Agreement.

5. The Executive Secretary of the CONTRACTING PARTIES to the General Agreement shall promptly furnish a certified copy of this Declaration, and a notification of each acceptance thereof, to each government to which this declaration is open for acceptance.

6. This Declaration shall become effective between Tunisia and any participating government on the thirtieth day following the day upon which it shall have been accepted on behalf of Tunisia and of that government; it shall remain in force until the Government of Tunisia accedes to the General Agreement under the provisions of Article XXXIII thereof or until 31 December 1961, whichever date is earlier, unless it has been agreed by Tunisia and the participating governments to extend its validity to a later date.

DONE at Tokyo this twelfth day of November one thousand nine hundred and fifty-nine, in a single copy in the English and French languages, both texts authentic.

**Poland**

DECLARATION ON RELATIONS BETWEEN CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC

—A—

THE GOVERNMENT OF POLAND HEREBY DECLARES:

1. That, being guided by the objectives set out in the Preamble to the General Agreement on Tariffs and Trade (hereinafter referred to as the "General Agreement"), it desires to expand its trade with the other countries which are parties to this Declaration on the basis of mutual advantage in trading conditions and opportunities.

2. That it will give sympathetic consideration to any representations which may be addressed to it by any other party to this Declaration concerning the implementation of paragraph 1 above and will be prepared to enter into consultations with such party concerning its representations.

3. That, in line with the corresponding commitments accepted by the contracting parties in the General Agreement, it will make public promptly, in a manner as to enable governments and traders to become acquainted with them, laws, regulations, judicial decisions, administrative rulings and agreements of general application as well as statistics pertaining to trade. This provision shall not require the disclosure of confidential information which would impede law enforcement or otherwise be contrary to the public interest or prejudice the legitimate commercial interests of public or private enterprises.

4. That it will annually review with the CONTRACTING PARTIES to the General Agreement (hereinafter referred to as the "CONTRACTING PARTIES") the implementation of the above paragraphs.

—B—

THE PARTIES TO THIS DECLARATION, OTHER THAN POLAND, HEREBY DECLARE:

1. That, being guided by the objectives set out in the Preamble to the General Agreement, they desire to expand their trade with Poland on the basis of mutual advantage in trading conditions and opportunities.

2. That they will give sympathetic consideration to any representations which may be addressed to them by Poland concerning the implementation of paragraph 1 above and will be prepared to enter into consultations with Poland concerning such representations.

3. That they will annually review with Poland and the CONTRACTING PARTIES the implementation of the above paragraphs.

4. That they will request the CONTRACTING PARTIES:

(a) To take note of this Declaration;

(b) To invite the Government of Poland to take part in the work of the CONTRACTING PARTIES;

(c) To undertake the functions set out in paragraph 4 of Part A and paragraph 3 above.

—C—

1. This Declaration shall be open for acceptance, by signature or otherwise by Poland, by contracting parties to the General Agreement and by any governments which have acceded or may accede provisionally to the General Agreement.

2. This Declaration shall enter into force when it has been accepted by Poland and by two thirds of the contracting parties to the General Agreement.

—D—

The Government of Poland or any other party to this Declaration shall be free to withdraw from this arrangement upon written notice being given to the Executive Secretary of the CONTRACTING PARTIES:

(a) If Poland should withdraw from this arrangement, the Declaration shall lapse and any arrangements made by the CONTRACTING PARTIES shall cease to be valid;

(b) If a party to this Declaration other than Poland should withdraw from this arrangement the sole effect of such withdrawal shall be to terminate the application of this Declaration as between Poland and the party concerned, as long as a majority of the contracting parties remain parties to this arrangement.

—E—

1. This Declaration shall be deposited with the Executive Secretary of the CONTRACTING PARTIES.

2. The Executive Secretary of the CONTRACTING PARTIES shall promptly furnish a certified copy of this Declaration, and a notification of each acceptance thereof, to each government to which this Declaration is open for acceptance.

DONE at Tokyo, this ninth day of November, one thousand nine hundred and fifty-nine, in a single copy, in the English and French languages, both texts authentic.

# Italy, Portugal, and U.K. Relax Controls on Dollar-Area Imports

## ITALY

*Department Statement*

Press release 37 dated January 25

The United States Government welcomes the announcement of the Italian Government that, effective January 15, some 200 additional commodities may be imported freely from the dollar area. This action represents a further step by Italy in the direction of the elimination of discriminatory and other quantitative import restrictions and thus toward the objectives and policies endorsed by the International Monetary Fund and the Contracting Parties to the General Agreement on Tariffs and Trade.

As a result of this recent move, Italian consumers will be able to buy United States goods whose importation has been curtailed for many years. Products freed from quota restrictions include: fresh or frozen fish and crustaceans, dried prunes, malt, alcoholic beverages (except wine and vermouth), sulphur products, tires, plywood, small agricultural tractors (larger tractors were liberalized earlier), cotton yarns, yarns of manmade fibers, tin products, razor blades, and X-ray equipment.

The action of the Italian Government is a significant move in the direction of placing United States exporters of an extensive list of products on an equal competitive basis in the Italian market with exporters of other countries. However, Italy will maintain discriminatory restrictions on a whole range of agricultural commodities. The United States Government hopes that Italy will make rapid progress in the elimination of the remaining quantitative import restrictions.

## PORTUGAL

*Department Statement*

Press release 38 dated January 25

The United States Government welcomes the announcement of the Government of Portugal that, effective January 10, discrimination against imports from the dollar area has been removed on about 900 customs tariff items, covering a wide range of commodities. Although all imports into Portugal require prior authorization, imports of these commodities will now be licensed automatically.

As a result of this move, Portuguese consumers will be able to buy a number of United States products whose importation has been curtailed for many years. Products which can now be licensed freely from the United States include: motor vehicles, fertilizers, synthetic fiber yarns, plastic molding products, many textiles, many types of industrial machinery, radio and television receivers, and household equipment, such as sewing machines, refrigerators, and washing machines.

This action represents a significant step by the Government of Portugal toward the elimination of discriminatory and other quantitative import restrictions. With the exception of some agricultural commodities and a few industrial products, Portugal will now extend imports from the dollar area the same degree of automatic licensing as granted imports from members of the Organization for European Economic Cooperation. The United States Government hopes that Portugal will make rapid progress in removing remaining restrictions, which include some important agricultural products.

## UNITED KINGDOM

*Department Statement*

Press release 47 dated January 29

The United States welcomes the announcement by the United Kingdom that, effective February 1, 1960, quantitative controls will be removed on imports from the dollar area of tobacco and tobacco manufactures (except cigars), and fresh and frozen fish, synthetic rubber, and transistors. The United Kingdom also plans to remove restrictions on remittances of American film earnings, which were previously limited to $17 million a year. In the announcement the United Kingdom also indicated its intention to make further progress in eliminating restrictions as soon as possible.

This announcement follows a similar announcement made November 4, 1959,[1] and is one of a

[1] BULLETIN of Nov. 30, 1959, p. 805.

series of trade liberalization measures taken by the United Kingdom over the past year which have given U.S. exporters substantially improved access to the British market. It further narrows the scope of special import controls applied to dollar products.

The United Kingdom will still apply discriminatory restrictions on a number of dollar commodities, including some important agricultural products. The United States hopes that further progress in eliminating these remaining restrictions will be rapid.

## U.S.–Canadian Economic Committee To Meet at Washington

Press release 35 dated January 25

The Department of State announced on January 25 that the fifth meeting of the Joint United States–Canadian Committee on Trade and Economic Affairs will be held at Washington on February 16 and 17.

The Secretaries of State, the Treasury, Interior, Agriculture, and Commerce will represent the United States. The Canadian delegates will be the Secretary of State for External Affairs, the Minister of Finance, the Minister of Trade and Commerce, and the Minister of Agriculture.

The meeting will provide an opportunity for Cabinet-level officers of both Governments to review the general field of trade and economic relations between Canada and the United States. The last meeting of the Joint Committee on Trade and Economic Affairs was held at Ottawa on January 5–6, 1959.[1]

## U.S. and Canada To Discuss Columbia River Development

The Department of State announced on January 25 (press release 32) the appointment of the U.S. delegation which will conduct negotiations for an agreement with Canada leading to the cooperative development of the Columbia River Basin. The U.S. delegation will hold its first meeting with the Canadian delegation at Ottawa February 11–12, 1960.

The chairman of the U.S. delegation is Elmer F. Bennett, Under Secretary, Department of the Interior. Other members are: Lt. Gen. Emerson C. Itschner, Chief of Engineers, United States Army; and Ivan B. White, Deputy Assistant Secretary of State.

The Canadian delegation is composed of the following: Minister of Justice E. D. Fulton (chairman); Deputy Minister of Northern Affairs and National Resources Gordon Robertson; Assistant Under Secretary for External Affairs A. E. Ritchie; and Deputy Minister of Lands and Forests, British Columbia, E. W. Bassett.

The Department announced on December 30, 1959,[1] that the International Joint Commission had submitted to the Governments of the United States and Canada its report recommending principles for determining and apportioning benefits to be derived from cooperative development of the Columbia River. The opening of the meeting at Ottawa on February 11 signifies the beginning of the negotiations envisaged in the Department's statement of December 30, 1959.

## Special $3 Million Loan Made to Iceland

Press release 44 dated January 29

A special assistance loan of $3 million was made to the Government of Iceland on January 29 by the International Cooperation Administration.

Purpose of the loan is to finance procurement of essential industrial commodities, including chemicals, textiles, lubricants, iron and steel products, engines and turbines, agricultural machinery parts, and motor vehicles. The loan is repayable in U.S. dollars over a period of 18 years at 3½ percent interest.

Ambassador Thor Thors of Iceland signed the loan agreement on behalf of his Government.

[1] For text of a joint communique issued at the close of the meeting, see BULLETIN of Jan. 26, 1959, p. 128.

[1] BULLETIN of Jan. 25, 1960, p. 126.

# Department Seeks Senate Approval of Conventions on Law of Sea

*Statement by Arthur H. Dean*[1]

My name is Arthur H. Dean. I am a member of the New York, the District of Columbia, and the Supreme Court Bars. At the request of the President, I served as chairman of the American delegation to the United Nations Conference on the Law of the Sea, which was convened in Geneva from February 24 to April 28, 1958.[2] And therefore I appear before you this morning as a representative of the Secretary of State.

The large measure of achievement at the conference would not have been possible without the untiring efforts of a number of members of our delegation.[3] I should like to mention the following who are here this morning, and I should like to introduce them to you:

Admiral Oswald S. Colclough, Department of the Navy, Acting President of George Washington University
Mr. Arnie J. Suomela, Commissioner of Fish and Wildlife, Department of the Interior
Mr. William C. Herrington, Special Assistant to the Under Secretary of State
Mr. Raymund T. Yingling, Assistant Legal Adviser of the Department of State
Miss Marjorie M. Whiteman, Assistant Legal Adviser of the Department of State
Mr. William M. Terry, Fish and Wildlife Service, Department of the Interior

I should also like to introduce Admiral Chester A. Ward, Judge Advocate General of the Department of the Navy, who gave us excellent support and advice, as did Admiral Burke, Chief of Naval Operations, and Loftus Becker, former Legal Adviser of the Department of State.

After much debate, negotiation, and careful study, there emerged from the Geneva conference four conventions on the law of the sea, plus an optional protocol. These have been signed by the United States and are now before the Senate for its advice and consent to ratification.[4] They are:

Convention on the Territorial Sea and the Contiguous Zone (U.N. doc. A/CONF. 13/L.52)
Convention on the High Seas (U.N. doc. A/CONF. 13/L.53 [and Corr. 1])
Convention on Fishing and Conservation of the Living Resources of the High Seas (U.N. doc. A/CONF. 13/L.54 [and Add. 1])
Convention on the Continental Shelf (U.N. doc. A/CONF. 13/L.55)

In addition, there is the Optional Protocol of Signature Concerning Compulsory Settlement of Disputes (U.N. doc. A/CONF. 13/L.57), such as may arise in the future about the interpretation of these conventions.

### Definition of Terms

Most of you are probably already familiar with the terms and words which are employed in these conventions, but I should like to review some of the more important ones to make sure that you will be familiar with them when I use them.

The "territorial sea," to which I have referred, is that marginal belt of waters running along the coast over which the coastal state exercises

[1] Made before the Senate Foreign Relations Committee on Jan. 20 (press release 26).

[2] For a statement made by Mr. Dean on Mar. 11, see BULLETIN of Apr. 7, 1958, p. 574; for Mr. Dean's closing statement on Apr. 28, together with texts of the conventions, protocol, and resolutions adopted by the conference, see *ibid.*, June 30, 1958, p. 1110.

[3] For the names of members of the U.S. delegation, see *ibid.*, Mar. 10, 1958, p. 404.

[4] S. Ex. J to N, inclusive, Sept. 9, 1959, 86th Cong., 1st sess.

sovereignty, subject to certain limitations imposed by international law.[5]

The "high seas" are all of the waters of the ocean beyond the territorial seas of the coastal states, and these high seas are open and free to all nations.

Any valid extension in the width of a nation's territorial sea with the same extension of the width of territorial seas surrounding islands under the coastal state's jurisdiction naturally cuts down the freedom of all other nations to sail on, or fly over, or lay cables in, or to fish in what was formerly the high seas. Any extension of a nation's territorial sea can be fraught with very serious consequences for its neighbors and may interfere with mobility and the unrestricted right of movement on the high seas and the overlying airspace. For example, there is no right for aircraft to overfly another nation's territorial seas without its consent in the absence of a treaty such as the Chicago Civil Aviation Convention of 1944.

To accommodate certain justifiable desires of coastal states to prevent infringement of their internal laws, there has been established adjacent to the territorial sea the concept of a "contiguous zone" which extends beyond the territorial sea into the high seas for the limited purposes such as protecting customs, fiscal, immigration, and sanitary regulations. It has been proposed that a similar limited zone for coastal fisheries be established.

All of these terms are embodied in the legal principles adopted at the Geneva conference.

#### Conferences on Law of Sea

This was one of the largest conferences in the history of international law, with 86 nations attending. In attendance also were specialized agencies of the United Nations and other intergovernmental organizations.

With one exception with respect to the breadth of the territorial sea, which I shall mention later, these conventions represent a surprisingly large area of agreement among the nations of the world on basic legal concepts. They constitute real progress in the codification and development of international law.

The achievements of the Law of the Sea Conference illustrate the growing interdependence of nations and the usefulness of an international organization such as the United Nations to consider carefully, and to attempt to reconcile, the conflicting interests of peoples dwelling at the farthest reaches of the oceans and dependent upon it for their food and livelihood and for their communication and trade with one another.

The sea around us is the great *res communis*, or common resource, of all peoples. The topics and problems dealt with in the four conventions affect all countries and were quite properly dealt with in a conference prepared and convened by the United Nations.

The need for such a conference can be seen from the history of attempts to reach agreements on the law of the sea, as well as from specific fishing and navigation disputes which involve every ocean or sea and every continent.

The Hague Conference of 1930 had ended in failure to agree either upon the territorial sea or the contiguous customs zone.

Efforts within the Organization of American States at Santiago in 1955 [6] and in Ciudad Trujillo in 1956 [7] to reconcile disputes on territorial seas, or exploitation of fisheries and the continental shelf, had failed to reach a common "American" position, although there was general agreement on the need for conservation of the sea's resources.

Every effort was made by the United Nations to secure wider agreement. The views of a number of countries, including the United States, were considered by the International Law Commission of the United Nations. Moreover, the United Nations convened an International Technical Conference on Conservation at Rome in 1955. For 3 weeks experts from 51 countries, including the United States, considered methods of assuring the "optimum sustainable yield" of the living resources of the sea. Their conclusions were also considered by the International Law Commission, which devoted 6 years to the study and preparation of its final report [8] in 1956.

Following the report and recommendations of the International Law Commission, the General

[5] For an article by G. Etzel Pearcy, Geographer of the Department of State, on "Measurement of the U.S. Territorial Sea," see BULLETIN of June 29, 1959, p. 963.

[6] *Ibid.*, Dec. 19, 1955, p. 1025.

[7] *Ibid.*, May 28, 1956, p. 894.

[8] U.N. doc. A/3159.

Assembly decided in 1957[9] to convene a worldwide conference at Geneva the following year to consider not only the legal but also the biologic, economic, and political aspects of the problem.

Throughout the conference the Commission's draft report served as the principal working paper, and the numerous background studies were invaluable in reaching agreement on the conventions which were adopted.

### Convention on the Territorial Sea and the Contiguous Zone

Let me take up first the Convention on the Territorial Sea and the Contiguous Zone. This convention is divided into three parts. Part I deals with the territorial sea; part II deals with the contiguous zone; part III deals with the technical procedural matters, such as ratifications, accessions, date of coming into force, publication, etc. All of the four conventions contain such procedural final articles.

I plan to discuss only the more important provisions and what they mean to the United States and the free world, but I shall be glad to answer any further questions or to go into any detail you may wish.

Articles 1 to 3 provide that the sovereignty of a state extends from the low-water line along its coast to the adjacent belt of marginal or territorial sea and that such sovereignty extends to the airspace over, as well as to the seabed and subsoil of, these territorial waters. The importance of the airspace over the territorial sea across which the aircraft of other nations may not fly without consent cannot be overemphasized.

Article 4 provides that straight baselines may be used for measuring the territorial sea in areas where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity.[10] It is to be observed that while the use of straight baselines may not be invoked for purely economic reasons alone, nevertheless, where the geographic conditions justify their use, economic interests of long standing may also be taken into account.

[9] For text of resolution, see BULLETIN of Jan. 14, 1957, p. 61.

[10] For a detailed and illustrated explanation of baselines, see also Pearcy, "Measurement of the U.S. Territorial Sea," *ibid.*, June 29, 1959, p. 963.

Article 5 assures the right of innocent passage (which I shall define in a moment) in case the use of straight baselines results in enclosing bodies of water as internal waters which formerly constituted parts of the territorial sea or the high seas. This is particularly important in relation to claims by the Philippines and Indonesia that the waters between the islands of their archipelagoes are internal waters—no matter what the distance—and subject to their sovereignty. This article thus protects innocent passage along established trade routes on the high seas, including those around southeast Asia. Otherwise commercial voyages could be greatly lengthened.

Articles 4 and 5 are among the most important in the convention because they clarify the use of straight baselines. While the straight baseline method for delimiting the territorial sea off certain Norwegian fjords was approved by the International Court of Justice in the *Anglo-Norwegian Fisheries* case, [1951] I.C.J. Rep. 116, it is believed that the straight baseline method embodied in the convention represents a more precise limitation.

Article 7 relates to bays and, we believe, represents a significant advance in international law in providing for a 24-mile closing line between the headlands of bays. Article 7 will dispel any doubt that bays of over 24 miles measured at the mouth remain part of the high seas. This is important in view of the increasing claims over bays, such as the Soviet Union's purported claim to Peter the Great Bay and Panama's claim to the Gulf of Panama. However, truly "historic" bays, such as the Chesapeake Bay and Long Island Sound, are protected as exceptions.

Articles 8 through 13 provide for means of delimiting territorial seas around islands or where two adjacent territorial seas face and touch each other. Specific methods for use in situations such as the mouth of a river or a harbor are set forth.

Articles 14 through 20 govern the right of "innocent passage" through the territorial sea. Passage is defined in article 14 as "innocent" so long as it is "not prejudicial to the peace, good order or security" of the coastal state. Fishing vessels, however, must comply with the laws and regulations of the coastal state to protect fisheries, and submarines must navigate on the surface.

Under article 16 coastal states may temporarily suspend the right of innocent passage in specified

areas of the territorial sea for security reasons. However, there can be no suspension of the right of innocent passage through straits which are used for international navigation between areas of the high seas or between the high seas and the territorial sea of a foreign state.

The rule adopted in this convention affords a clear, simple, and precise definition of innocent passage, something which heretofore had not existed in international law. It also permits greater freedom of movement in navigation consistent with the needs of the coastal state to protect itself.

Articles 19 and 20 adopt the traditional rule of international law which provides that the coastal state should not exercise criminal or civil jurisdiction over foreign ships passing through the territorial sea or persons on board except in certain limited situations. Jurisdiction may be exercised for protection against crimes which "disturb the peace" of the coastal state or its territorial sea and for the suppression of the traffic in narcotics.

Articles 21 and 22 provide that government ships operated for commercial purposes shall be governed by the same rules as merchant vessels and therefore be liable for tortious acts. There was opposition to these two articles from the Soviet Union and other state-trading countries which desired "sovereign immunity" for such vessels.

Article 23 pertains to the passage through the territorial sea of warships in compliance with the regulations of the coastal state. The International Law Commission draft contained an article providing for special treatment of warships whereby the coastal state could make the passage of warships through its territorial sea subject to prior authorization or notification, although normally it would grant innocent passage. In the interest of greater mobility we supported this proposal, but neither this proposal nor substitute proposals making the right of innocent passage of warships subject only to previous notification could obtain the necessary two-thirds vote required for their adoption by the conference; so no change in existing international law in this respect is proposed.

There remains article 24 relating to the contiguous zone, which is of special importance. It provides that in a zone of the high seas contiguous to the state's territorial sea, which may not exceed 12 miles from the coastal baseline, the coastal state may exercise certain necessary controls.

These measures provide that it may prevent and punish infringement of the customs, fiscal, immigration, or sanitary regulations within its territory or territorial sea. Although it had become fairly common practice to establish a customs zone such as the United States has had since 1790, no established international law had hitherto been agreed upon either at the 1930 Hague Conference or thereafter.

As I stated earlier, the Geneva Conference on the Law of the Sea failed to reach agreement on the breadth of the territorial sea, and the convention does not contain an article on the precise breadth of the territorial sea. This subject and the closely related one of the extent to which the coastal state should have exclusive fishing rights in the sea off its coast as a contiguous zone remaining a part of the high seas were topics of long and detailed debate at the conference without any conclusion being reached.

The only proposal to receive an absolute majority of the votes of the conference was the compromise proposal of the United States for a 6-mile territorial sea, plus exclusive fishing rights for the coastal state in an additional contiguous 6-mile zone remaining a part of the high seas, subject to certain "historic" fishing rights of other states established through fishing over a 5-year base period. Although this proposal received 45 votes in favor and 33 opposed (and 7 abstentions), it failed to receive the requisite two-thirds majority of 52.

The newly emerging states in Asia and in Africa do not fully subscribe to some of the great and historic doctrines of international law, such as "freedom of the seas" and a narrow territorial sea over which the coastal state exercises its sovereignty, and are inclined to be suspicious of our noble statements of aims in this regard.

They are sometimes inclined to believe that our interests in commercial fishing up to the outer limit of their territorial seas or the right of our warships to approach to within 3 miles of their coastline without infringing in any way upon their sovereignty or the impact of our great commercial trawlers fishing in the high seas upon the lives and fortunes of their coastal fishermen with primitive equipment are more truly doctrines the great powers conceived and put into being when they were in a colonial or at least weaker status. They now wish to negotiate on a basis of equality. Closer study often reveals that these

doctrines are essential to their own well-being and that a unilateral extension of the nations of the world of their territorial seas to 12 miles or even greater would be fraught with disaster.

Some objected to our arbitration provisions as an infringement upon their sovereignty, and others had constitutional or statutory provisions for a wider territorial sea than 6 miles.

After this result at the conference, I made the following statement of the United States position: [11]

> Our offer to agree on a 6-mile breadth of territorial sea, provided agreement could be reached on such a breadth under certain conditions, was simply an offer and nothing more. Its nonacceptance leaves the preexisting situation intact. . . .
>
> We have made it clear that in our view there is no obligation on the part of states adhering to the 3-mile rule to recognize claims on the part of other states to a greater breadth of the territorial sea. And on that we stand.

The defeat of the American proposal, I believe, should not be taken as any indication of decrease in respect or influence. The proposal received the support not only of all the British Commonwealth except Canada, and all of the nations of NATO except Canada and Iceland, but also of such newer nations as Pakistan, south Viet-Nam, and Lebanon. Our proposal was supported by Iran, though subsequently Iran, together with Libya, the Sudan, and Panama, has gone unilaterally to 12 miles. The Holy See approved our proposal as moral and creative, and many a delegate from other countries praised the United States for its sincere effort to reach a fair compromise.

#### Convention on the High Seas

Let me turn now to the Convention on the High Seas. The Convention on the High Seas defines "high seas" in article 1 as encompassing "all parts of the sea that are not included in the territorial sea or in the internal waters of a State." The remainder of the 37 articles in this convention set forth a general regime of freedom of the seas for all nations subject only to a "reasonable regard to the interests of other States."

Freedom of the high seas is declared in article 2 to include the freedom of navigation, freedom of fishing, freedom to lay submarine cables and pipelines, and freedom to fly over the seas, as well as all other freedoms "which are recognized by the general principles of international law."

In the name of freedom of the seas the Soviet Union proposed a rule banning nuclear tests on the high seas. In this attempt they were defeated. In the result a separate resolution was passed referring nuclear tests on the high seas to the United Nations General Assembly for appropriate action and is transmitted for the information of the Senate. It may be noted that the Soviets claim their scheduled missile tests in the Pacific will not involve nuclear energy.

To accommodate the urgent desire of landlocked states, of which there are a dozen, for access to the sea, article 3 provides that common agreements shall be negotiated on the basis of free transit and equal treatment in the use of ports. The Soviet bloc was defeated in its attempt to force coastal states to accord an *absolute right* of transit to landlocked states, which include Czechoslovakia, Hungary, and Byelorussian S.S.R.

Every state—which includes landlocked states—is declared in article 5 to have the unconditional right to sail merchant ships under its own flag on the high seas. Likewise, each state shall fix the conditions under which ships may fly its flag. It is also provided that there "must exist a genuine link" between the state and the ship, and the "State must effectively exercise its jurisdiction and control" over the ship. How this jurisdiction and control is exercised is a matter for each state to decide, since in accordance with the first sentence of article 5 each state shall fix the conditions for the grant of its nationality to ships. Ships which meet these conditions, as determined by the state of registry, acquire through that registry the nationality of that state and the right to fly its flag, and this right must be recognized by these nations.

The use of more than one flag or switching flags during voyage is prohibited by article 6.

Warships on the high seas are, according to article 8, given complete immunity from the jurisdiction of all states other than the flag state.

Article 9 provides that ships which are state-owned or state-operated must be used only on government noncommercial service before they may claim immunity on the high seas from the exercise

[11] *Ibid.*, June 30, 1958, p. 1110.

of jurisdiction by states other than the flag state. Jurisdiction on the high seas may be exercised by states other than the flag state in the case of vessels suspected of slave trade or piracy, or for verification of the flag, as is set out in article 22. I point out in passing that many Soviet vessels, though state-owned and -operated, are used for commercial purposes and would thus be excluded from the immunities granted by this section.

Article 10 requires every state to conform to "international standards" for the labor conditions of crews and the construction, equipment, and seaworthiness of ships. It requires every state to issue regulations pertaining to safety at sea in such aspects as the use of signals and the manning of ships. Masters of ships must render assistance to persons and ships in distress on the high seas, as is already required by our domestic legislation.

Article 11 deals with disciplinary or penal matters arising on the high seas. It limits penal or disciplinary proceedings to the flag state or the state of which the individual is a national. This reverses the decision of the PCIJ [Permanent Court of International Justice] in the case of the SS *Lotus*. In the case of revocation of the master's certificate or certificate of competence, only the issuing state is competent. No arrest of the ship is permitted by any authorities other than those of the flag state. By bringing order and certainty into an area previously characterized by uncertainty and dispute, this article will promote freedom of navigation and commerce.

Time-honored principles are contained in articles 13 through 22, which provide for the suppression of slavery and piracy on the high seas as international crimes.

Article 23 recognizes the right of competent authorities of the coastal or pursuing state to undertake "hot pursuit" of a foreign ship when they have "good reason to believe that the ship has violated the laws and regulations of that State."

As the United States contended during prohibition, pursuit of a suspected ship or one of its boats may start in the territorial sea or the contiguous zone of the coastal state if there has been a violation of customs, sanitary, or other laws for the protection of which that zone was established. This represents a codification of the practice accepted in the case of the bootleg sloop, the *I'm Alone* (Canadian-American Claims Commission, 1935).

Articles 24 and 25 deal with the increasingly significant problem of pollution of the seas. Every state is required to promulgate regulations preventing pollution by the discharge of oil from ships or pipelines or from the exploitation of the seabed and its subsoil. Similarly, every state is required to take measures to prevent the pollution of the seas and overlying airspace from the dumping of radioactive waste and to cooperate with competent international organizations to this end. A separate resolution proposed by our delegation with the cosponsorship of the United Kingdom referred the matter of radioactive waste pollution to the study of the International Atomic Energy Agency and is transmitted for the information of the Senate.

The right to lay submarine cables and pipelines on the bed of the high seas and the rights of the parties in case of damage to such cables or pipelines are firmly established by articles 26 through 30.

Incidents such as the breaking of the transatlantic cable in 1959 [12] by Soviet trawlers off Newfoundland would give rise to the payment of damages if the trawlers are proven to be culpably negligent.

### Convention on Fishing and Conservation of the Living Resources of the High Seas

Now let me turn to the Convention on Fishing and Conservation of the Living Resources of the High Seas. It is in the area of fishing and conservation that the agreements reached at Geneva in many ways seem to me the most significant. The Convention on Fishing and Conservation of the Living Resources of the High Seas begins with the candid and straightforward proposition in article 1 that:

> All States have the right for their nationals to engage in fishing on the high seas, subject (a) to their treaty obligations, (b) to the interests and rights of coastal States as provided for in this convention, and (c) to the provisions contained in the following articles concerning conservation of the living resources of the high seas.

The article immediately continues by imposing a corresponding duty:

> All States have the duty to adopt, or to co-operate with other States in adopting, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.

[12] *Ibid.*, Apr. 20, 1959, p. 555.

The remaining articles of the convention implement these twin goals, these corresponding rights and duties.

According to article 2, "conservation" means those measures which, taken together, will result in the "optimum sustainable yield" of the living resources of the sea so as to secure a maximum of food supply. It may be noted that a "conservation" program designed to secure a greater food supply for an individual state at the cost of a diminishing total yield for all fishing states would not comply with the duty imposed by article 1.

Any state whose nationals fish an area of the sea where nationals of other states do not fish is required to adopt unilateral conservation measures under article 3.

If nationals of two or more states are engaged in fishing the same stock or stocks of fish in any area or areas, such states, at the request of any of them, shall negotiate a conservation program for the living resources affected to be observed by all under article 4.

If nationals of another state have not fished in such areas prior to the adoption of such conservation program but begin to fish there after its adoption, they shall either accept the conservation program in force or negotiate a new program with other interested parties under article 5.

The interests of coastal states are guarded. Article 6 of the convention provides that such states have a special interest in the maintenance of the productivity of the living resources in the waters adjacent to their coasts and may take part in any conservation program instituted with respect to such waters, even though their own nationals do not fish there.

Article 7 grants to a coastal state the power unilaterally to adopt conservation measures as to areas of the high seas adjacent to its territorial sea, provided that negotiations with other interested parties have not led to agreement within 6 months. While these measures can only be adopted unilaterally in the case of an emergency and while they must be nondiscriminatory, this provision is testimony to the concern of the conference with the interest of the coastal states.

One of the most striking and the most encouraging aspects of the convention on fishing and conservation is the provisions of article 9 on the "settlement" of disputes. Article 9 provides that impartial settlement procedures are to be instituted before a special commission, if negotiations as to conservation programs should fail.

Not only is this convention the only one of the four conventions which provides its own mechanism for the settlement of disputes, but it is one of the very few multilateral treaties in recent times to make such provision. Furthermore, its unique nature is emphasized by the deletion of the word "arbitration" to overcome the possible impression that legal rather than scientific considerations would govern decisions. It was adopted over the protests of the Soviet bloc and other states anxious to prevent controls upon their "sovereign" right to act unilaterally.

The special commissions, before whom settlement procedures are to be instituted, may be appointed by agreement between the parties, provided that none of the appointees are nationals of any of the states involved in the dispute. If the parties fail to agree within 3 months, the commission shall be appointed by the Secretary-General of the United Nations within a further 3 months upon the request of any party.

To avoid the possibility that such procedures might drag on for years, the commission must, in any event, render a decision within 8 months after its appointment. The power of the commission is demonstrated by its ability to stay enforcement of questioned conservation measures pending the outcome of its proceedings.

Detailed criteria to be applied by such a commission in determining the necessity for or adequacy of conservation measures are set forth in article 10. These criteria include the requirements that scientific findings demonstrate the necessity of conservation measures, that the specific measures in question are based on scientific findings and are "practicable," and that they do not discriminate against fishermen of other states.

In passing, I would like to note that the United States would have preferred the convention to establish the conservation doctrine known as "abstention" as a rule of international law.

Essentially, the abstention procedure provides that, in situations where a state or states are making reasonably full use of a fishery resource and the maintenance of the current yield or, when possible, the further development of the yield is dependent upon the conservation program carried out by the states fishing such resource, then states whose nationals are not fishing such resource regu-

larly or who have no historic interest in it shall abstain from fishing it.

However, the abstention concept on the high seas is difficult to grasp for nations whose economies are only now beginning to mature. Detailed discussion of this doctrine at the Geneva conference we believe has had significant educational value. It was and is our position that this country should continue to pursue the objective of securing general acceptance of this sound conservation measure through agreements with interested states.

The Soviet Government has seen as clearly as anyone that the nations of the world are involved in the great issue of who shall control the resources of the sea, which in earlier times were regarded as boundless.

Today we are becoming more and more aware in more and more cases of the limitations of this great wealth and also of its possibilities of great chemical wealth, the conversion of salt water to fresh, etc. However, now that it has been agreed that conservation and control of sea resources are a necessity, the question arises of who shall divide and regulate these resources when there is scarcity or conflict.

### Convention on the Continental Shelf

Let me turn now to the Convention on the Continental Shelf. The Convention on the Continental Shelf gives international recognition to a legal concept first promulgated by the United States.

President Truman's proclamation of 1945 [13] and the Outer Continental Shelf Lands Act passed by Congress in 1953 (67 Stat. 462; Title 43 U.S.C.A. §§ 1331, *et seq.*) were motivated by the need to protect the petroleum deposits beneath the high seas beyond the territorial sea around our coasts, which newly invented techniques opened for extraction for the first time. A number of other nations have since put forward similar claims to their continental shelves.

The term "continental shelf" is defined in article 1(a) to include:

". . . the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres [655 feet] or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; . . ."

[13] For background and text of proclamation, see *ibid.*, Sept. 30, 1945, p. 484.

Article 1(b) makes clear that the concept of the continental shelf applies to "the seabed and subsoil of similar submarine areas adjacent to the coasts of islands."

Thus the continental shelf is presumed to be exploitable at a depth of 200 meters beneath the surface of the sea and may be exploited beyond that depth where technological developments can be shown to make such exploitation possible.

The clause which protects the right to utilize advances in technology at greater depths beneath the oceans was supported by the United States and was in keeping with the inter-American conclusions at Ciudad Trujillo in 1956. It was included in the ILC 1956 draft.

Article 2 of the convention grants exclusive "sovereign rights" for "exploring" and "exploiting" the shelf, but this is expressly limited by article 3, which insures that the freedom of the overlying waters of the high seas shall not be impaired. While the United States had claimed that the resources of the continental shelf were "subject to its jurisdiction and control," it did not claim "sovereignty" over the shelf.

Moreover, the airspace above the continental shelf remains free and open to the aircraft of all states.

This convention is an agreement between sovereign states and in no way affects the domestic Federal-State controversy over the application of the Submerged Lands Act of 1953 (67 Stat. 29; Title 43 U.S.C.A. §§ 1301, *et seq.*), which granted to the States the lands beneath the territorial sea.

This convention protects the rights of the American people to control and use the resources of the continental shelf adjacent to its coast outside the territorial sea.

The question of greatest importance is which resources of this shelf come within the exclusive control of the coastal state. Article 2 represents the effort of our delegation to maximize coastal state control over mineral resources but to limit control over animal resources. Thus the coastal state is given control over all "mineral and other non-living resources of the sea-bed and subsoil" but not over living organisms which, at the "harvestable stage," can move without being "in constant physical contact with the sea-bed or the subsoil." Shrimp would not be within the exclusive control of the coastal state, while oyster beds

and pearl fisheries would be within such control.

Existing rights and investments in submarine cables and pipelines are protected by article 4, which prohibits the coastal state from unreasonably impeding their laying or maintenance. Future investments by the coastal state are protected by article 7, which permits exploitation of the subsoil by means of tunneling, whatever the depth of water above the tunnel, and by article 5, which provides for the construction and operation of shelf installations and devices for the same purpose.

#### Optional Protocol and Other Matters

Let me turn now to the optional protocol and other matters.

These, then, are the four conventions adopted at the Geneva conference. Each constitutes a proposed general code of law applicable to the conduct of states and their nationals. In addition, there is an Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes, which, like the four conventions, has been sent to the Senate with a request that its advice and consent be given to ratification.

Article I of the optional protocol provides that "Disputes arising out of the interpretation or application of any Convention on the Law of the Sea shall lie within the compulsory jurisdiction of the International Court of Justice," except for disputes covered by the special settlement procedure in the convention on fishing and conservation, which I have outlined. This protocol is only meant to apply to these Geneva conventions.

Articles II and IV of the protocol provide for alternative solutions of disputes by arbitration and conciliation, respectively. It is our hope that the great majority of participants in the conference will become parties to this protocol.

Prior to the closing date for signatures on October 31, 1958, the Convention on the Territorial Sea and Contiguous Zone was signed by 44 states, the Convention on the High Seas by 49 states, the Convention on Fisheries and Conservation by 37 states, the Convention on the Continental Shelf by 46 states, and the Optional Protocol by 30 states. Only one of the conventions has been ratified to date. Afghanistan—a landlocked state—ratified the Convention on the High Seas on April 28, 1959, presumably because of the provision of article 3, subdivision 2, of the Convention on the High Seas with respect to freedom of transit.

#### Second Law of Sea Conference

In conclusion let me turn briefly to the preparations for the second Law of the Sea Conference, Geneva, March 17, 1960.

Two important questions which were extensively debated at the conference, i.e. the breadth of the territorial sea and fishery limits, were unresolved because no proposal received the required two-thirds majority. These matters were referred back to the United Nations General Assembly, which has called a second conference to meet in Geneva on March 17, 1960,[14] to consider them further.

The United States is making extensive preparations for that conference with the hope that agreement on some formula for the breadth of the territorial sea and fisheries rights in a contiguous zone, acceptable to the United States, will result.

Our Navy would like to see as narrow a territorial sea as possible in order to preserve the maximum possibility of deployment, transit, and maneuverability on and over the high seas, free from the jurisdictional control of individual states. Admiral Arleigh Burke links seapower, mobility, and freedom in this manner:

> Naval forces are more important in the missile age than ever before. *Mobility* is a primary capability of navies. Support of our free world allies depends upon the *ability of the Navy to move, unhampered, to wherever it is needed to support American foreign policy.* This is the great contribution of United States seapower toward the progress of free civilization.

U.S. security interests would therefore be ideally served by retention of the 3-mile limit for territorial seas. There is fairly general agreement here and abroad, however, that international agreement on a 3-mile limit may not be obtained and that such agreement by a two-thirds vote is probable only on a 6-mile territorial sea and a 6-mile contiguous fishing zone.

There is opinion also to the effect that, if agreement is not achieved at the next conference on the width of the territorial sea and the contiguous fishing zone and the rights of nationals of other states therein, the individual practice of states

[14] *Ibid.*, Jan. 12, 1959, p. 64.

may, in time, tend to establish a territorial sea of 12 miles.

U.S. defensive capabilities would be so profoundly jeopardized by our acceptance of a greater than 6-mile territorial sea that those responsible for planning for our defense have concluded that we must take a position against such a course in any event. Each extension of the territorial sea also reduces the fishing rights of foreign nationals in such territorial sea.

The choice had to be made ultimately upon the basis of whether U.S. defensive capability could be reasonably maintained if a 6-mile limit were accepted.

The primary danger to the continuance of the ability of our warships and supporting aircraft to move, unhampered, to wherever they may be needed to support American foreign policy presents itself in the great international straits of the world—the narrows which lie athwart the sea routes which connect us with our widely scattered friends and allies and admit us to the strategic materials we do not ourselves possess.

It is in those narrows that an undue expansion of coastal states' territorial seas could entirely wipe out existing passageways over free high seas and, by creating national sovereignty over one segment of a vital route, subject to the coastal states' interference the transit of our warships or terminate transit of our aircraft in the overlying airspace.

There are approximately 116 important international straits in the world which could be affected by the choice of a limit for territorial seas. *All* would become subject to national sovereignties if a 12-mile rule were established. Fifty-two would become subject to national sovereignties if a 6-mile rule were adopted.

Initially, therefore, the choice lies between subjecting our arteries of communication to individual national severance or harassment at 52 points or at 116. Closer analysis reveals an even more critical distinction. Of the 52 straits which would become subject to national sovereignties under a 6-mile rule, only 11 would come under the sovereignty of states which would appear likely to claim the right to terminate or interfere with the transit of our warships or aircraft. While denial of passage through these 11 straits would present a defense capability impairment, that impairment is believed to be within tolerable operating limits.

On the other hand, under the 12-mile territorial sea rule, 18 straits would come under the sovereignty of states which possibly would claim the right to terminate or interfere with the transit of our warships or aircraft, and, of conclusive importance for defense purposes, the denial of passage through these additional straits would present for us a completely unacceptable impairment of our defensive mobility and capability.

In addition, while extension of the breadth of the territorial sea has the effect of exposing the mobility of our warships and aircraft to crippling jurisdictional restrictions, it actually adds to the mobility of a primary Soviet weapon—the submarine. The territorial sea of a neutral state is a neutral area in time of war, and belligerents are obliged by international law to avoid such areas for hostile operations. Though required to operate on the surface, a submarine, however, could transit such areas submerged, even though illegally, and unlikely to be detected by neutral states.

In the event of belligerent action enemy submarines could use such so-called neutral areas of territorial seas for transit, relatively safe from our attack, to reach the scene of their attack—the routes of our surface supply convoys. Such territorial-sea areas, especially if wider than 6 miles, would also certainly be used after their attack by the present large fleet of modern, long-range submarines possessed by the Soviets, including units currently being added which have missile launching capability, as a relatively safe haven from counterattack.

It is believed that the rapid evolution of new and changing weapons systems is not reducing, and will not in the foreseeable future reduce, our dependence upon our seapower capabilities. Indeed, the development of surface missile ships and nuclear powered submarines capable of launching missiles from under water, such as the Polaris, makes this a power of greatly increased and growing effectiveness.

This power to defend ourselves must not be hamstrung by an undue extension of the breadth of the territorial sea.

A complete analysis and comparison of the effect of a 6-mile versus a 12-mile territorial sea has led to the conclusion, concurred in by the Joint

Chiefs of Staff, that the U.S. should strive to achieve agreement on as narrow a territorial-sea breadth as possible, but in any event not to exceed 6 miles. We must endeavor to accomplish this with a minimum of damage or detriment to our commercial fishing interests. Throughout the negotiations at Geneva the fishing industry advisers at all times cooperated fully and unselfishly and always recognized that security interests were paramount.

## Department Supports Agreement on Import of Cultural Materials

*Statement by W. T. M. Beale*[1]

On August 25, 1959, the President forwarded to the Senate for its advice and consent to ratification the Agreement on the Importation of Educational, Scientific, and Cultural Materials.[2] This is an international agreement of the United Nations Educational, Scientific and Cultural Organization designed to facilitate the free flow of educational, scientific, and cultural materials between the nations of the world by the removal of manmade barriers to such international trade.

The United States participated in the conferences beginning in 1948 which led to the formulation of the agreement. The United States also participated indirectly in the formulation of the agreement when it was submitted for technical review to the Contracting Parties to the General Agreement on Tariffs and Trade. This agreement was opened for signature at Lake Success, New York, on November 22, 1950, and entered into force on May 21, 1952. The agreement was signed in behalf of the United States on June 24, 1959, by Ambassador [Henry Cabot] Lodge. Many nations, including most of the industrialized nations of the world, have already adhered to this agreement. The reasons for the delay in signing the agreement insofar as the United States is concerned, relating to United States adherence to the Universal Copyright Convention, were outlined in Acting Secretary Murphy's report dated July 6, 1959, which was transmitted to the Senate by the President.[3]

### Need for Agreement

With respect to the need for having such an agreement, members of this committee will recall that immediately following World War II many countries found it necessary or desirable to prohibit or to restrict imports, including in many cases imports of educational, scientific, or cultural materials.

In view of the number of countries involved and the variety of materials covered by the agreement, the types of post-World War II restrictions varied considerably. They varied from country to country and from year to year. In general the restrictions to increased imports of these materials fell into the following basic categories: (1) high import duties, (2) foreign exchange controls, (3) excessive or discriminatory sales taxes, fees, or other charges applied to imports, (4) restrictive import licenses, and (5) burdensome or discriminatory import customs clearance procedures.

The agreement under consideration has as its major objective increasing the international flow of educational, scientific, and cultural materials by eliminating or reducing these tariff and trade obstacles. The agreement concerns itself basically with the following six categories of materials outlined in the five annexes and article III: (1) books, publications, and documents, (2) works of art and collectors' items, (3) visual and auditory materials, (4) scientific instruments and apparatus, (5) articles for the blind, and (6) public-exhibition materials. The agreement is designed to eliminate or to reduce various types of import restrictions on these materials. The central feature of the agreement, however, is the exemption from customs duties of the materials covered by the agreement.

Insofar as the United States is concerned, current tariff rates are the most important deterrents to increased imports of these materials. It should be pointed out, however, that some of the materials covered by the agreement are already on

[1] Made before the Senate Foreign Relations Committee on Jan. 26 (press release 39). Mr. Beale was Acting Assistant Secretary for Economic Affairs when he made this statement; he became Minister-Counselor for Economic Affairs at London on Feb. 15.

[2] S. Ex. I, 86th Cong., 1st sess.; for text, see BULLETIN of Sept. 21, 1959, p. 422.

[3] *Ibid.*

the free list and duties on others are relatively low. It should also be noted that during the last session of Congress bills were introduced or passed to facilitate imports for international exhibitions and fairs, travel and tourist information, and works of art.

### Reasons for U.S. Adherence

After a careful interdepartmental review of the agreement, United States adherence was recommended for the following reasons:

1. Ratification would be consistent with United States foreign policy. The United States has advocated and supported the basic objective of the agreement, which is to improve international understanding by reducing trade barriers to knowledge through facilitating international movement of educational, scientific, and cultural materials. The United States has consistently supported the objective of strengthening the United Nations and the specialized agencies which carry out the United Nations programs.

2. Ratification of the agreement at this time will demonstrate to the world United States support for international collaboration and for the principle of free flow of information and ideas. Ratification will constitute evidence that this country is willing and able to take practical, effective measures to accomplish the removal of international tensions by increasing the exchange of ideas and educational materials.

3. Although many of the free-world nations are already parties to the Florence agreement,[4] it may very well be the case that other free-world countries, especially those in the Western Hemisphere, will follow the lead of the United States in ratification of the convention. Continuing delay can result in the loss of this opportunity for leadership.

4. The agreement proposes to increase international trade in the materials covered by this convention by the use of international trade practices which the United States advocates, i.e. multilateral agreements, reduced tariff rates, and the removal of exchange controls and other restrictive devices.

5. Acceptance of the agreement by additional countries will tend to increase international trade in the items which are covered by this convention. Since the United States is the world's most important producer of many of these items, it appears that U.S. industries concerned, in the long run, may benefit as a result of such increased trade. However, although U.S. producers may gain by sharing in a larger world market, some of them may also be faced with increased competition from foreign suppliers.

The agreement, however, provides safeguards with respect to increased imports. While U.S. imports of these items may increase as a result of our ratification of the agreement, it does not appear likely that imports will increase to such an extent as to threaten serious injury to the U.S. industries and require the invocation of the "escape clause" annexed to the agreement at the insistence of the United States as an additional insurance factor to protect U.S. industries. This protocol, which was annexed to the agreement to facilitate U.S. participation in the agreement, provides that a party to this agreement may suspend, in whole or in part, any of its obligation under this agreement if any of the materials covered by this agreement are being imported in such relatively increased quantities and under such conditions as to cause or threaten serious injury to domestic producers of like or competing products. While the protocol provides that the suspension of such obligations shall take place after consultations with the other contracting parties, it is recognized that under special circumstances emergency action may be taken prior to consultations.

It is also provided in the agreement that the contracting parties shall have the right to take measures to prohibit or limit imports or internal distribution of these materials on grounds relating to national security, public order, or public morals.

Imports into the United States of scientific apparatus and instruments will be limited by the following factors: (1) duty-free import privileges are accorded only to approved institutions and for specific purposes, (2) duty-free status does not apply to instruments or apparatus of equivalent scientific value produced in the United States, (3) U.S. industries produce the great majority of the items which are covered by the agree-

[4] The Agreement on the Importation of Educational, Scientific, and Cultural Materials was adopted by the General Conference of UNESCO at its fifth session at Florence, Italy, on June 14, 1950.

ment and the prices and quality of many of the U.S. products are competitive with such items produced elsewhere.

The agreement contains certain other restrictions which will tend to govern the volume of imports. For example, duty-free entry will not be accorded to such items as (1) stationery, (2) newspapers and periodicals in which the advertising matter is in excess of 70 percent by space, (3) books, publications, and documents published by or for a private commercial enterprise, and (4) other items in which the advertising matter exceeds 25 percent of the available space.

6. By reducing the cost for imported materials and simplifying import procedures the agreement should tend to increase and improve the activities of such institutions as schools and universities, scientific laboratories and research foundations, libraries, galleries, museums, and institutions and organizations concerned with the welfare of the blind. The limited funds available to teachers, educational institutions, and research organizations has hindered the improvement or expansion of their activities.

7. In conclusion may I point out that any measures to increase the circulation abroad of American educational, scientific, and cultural materials should assist American international information programs, both governmental and private.

## Congressional Documents Relating to Foreign Policy

### 86th Congress, 2d Session

Reception of Foreign Dignitaries. Report to accompany S. Res. 245. S. Rept. 1024. January 14, 1960. 3 pp.

United States Foreign Policy: Ideology and Foreign Affairs. (The Principal Ideological Conflicts, Variations Thereon, Their Manifestations, and Their Present and Potential Impact on the Foreign Policy of the United States.) Study prepared at the request of the Senate Committee on Foreign Relations by the Center for International Affairs, Harvard University (pursuant to S. Res. 336, 85th Cong., and S. Res. 31, 86th Cong.). No. 10. January 17, 1960. 82 pp. [Committee print.]

Organizing for National Security. Interim report of the Senate Committee on Government Operations made by its Subcommittee on National Policy Machinery (pursuant to S. Res. 115, 86th Cong.). S. Rept. 1026. January 18, 1960. 20 pp.

Study of Foreign Policy. Report to accompany S. Res. 250. S. Rept. 1027. January 18, 1960. 7 pp.

Authorizing the Extension of a Loan of a Naval Vessel to the Government of the Republic of China. Report to accompany H.R. 9465. H. Rept. 1207. January 19, 1960. 7 pp.

**INTERNATIONAL ORGANIZATIONS AND CONFERENCES**

## Governors of Inter-American Bank Meet at San Salvador

The Organization of American States announced on January 11 that the Board of Governors of the Inter-American Development Bank [1] will hold its first meeting at San Salvador February 3–10.

The Board of Governors will decide the opening date for operations of the Bank and will elect the Bank President and six of the seven Executive Directors. The seventh will be appointed by the United States,[2] the country with the largest number of shares in the Bank.

At the meeting it is expected that policy matters leading to the establishment of the Bank will be resolved. Documents to be considered by the Board of Governors at its first meeting are being drafted by a Preparatory Committee made up of Argentina, Brazil, Chile, Costa Rica, El Salvador, Mexico, and the United States.

The Board of Governors is composed of one representative and one alternate from each member country of the Bank.[2] It plans to meet at least once a year. Governors will serve 5-year terms. However, they may be replaced at any time by their governments. Governors attending the Salvador meeting are expected to be finance or treasury ministers or presidents of central banks.

The agreement establishing the Inter-American Bank vests all of its powers in the Board of Governors. With the exception of specific responsibilities, the Governors are permitted to delegate powers to a Board of Executive Directors charged with determining the basic organization of the Bank and conducting its operations. The seven Executive Directors will be salaried and will serve 3-year terms; their offices will be located at the Bank's headquarters at Washington, D.C.

Purpose of the Inter-American Bank is "to contribute to the acceleration of the process of economic development of the member countries,

[1] For background, see BULLETIN of May 4, 1959, p. 646; June 8, 1959, p. 849; and June 22, 1959, p. 928.

[2] See p. 264.

both individually and collectively." Eighteen of the 21 OAS member nations are now participants in the Bank. Ratifications are still pending from Cuba, Uruguay, and Venezuela.

Resources of the Bank after all ratifications are completed will total $1 billion. Of this amount, $850 million constitutes authorized capital of the Bank and $150 million is assigned to a Fund for Special Operations. The Latin American nations will subscribe $500 million of the authorized capital of the Bank and the United States $350 million. Contributions to the Fund for Special Operations, which may provide loans repayable wholly or in part in the local currency of the borrower country when circumstances make an ordinary loan inappropriate, total $100 million for the United States and $50 million for the countries of Latin America. Operations of the Fund will be kept completely separate from those of the authorized capital of the Bank.

## Senate Confirms U.S. Officials to Inter-American Bank

The Senate on January 20 confirmed the following nominations: Robert Bernerd Anderson to be a Governor of the Inter-American Development Bank for a term of 5 years and until his successor has been appointed; Douglas Dillon to be an Alternate Governor of the Inter-American Development Bank for a term of 5 years and until his successor has been appointed.

The Senate on January 27 confirmed Robert Cutler to be an Executive Director of the Inter-American Development Bank for a term of 3 years and until his successor has been appointed.

## Mr. Burgess Named U.S. Member of OEEC Reorganization Study Group

The Department of State announced on January 26 (press release 40) that Ambassador W. Randolph Burgess, U.S. Permanent Representative to the North Atlantic Council and European Regional Organizations, will serve as the U.S. member of the preparatory group for the reorganization or reconstitution of the Organization for European Economic Cooperation.

The preparatory group of four persons has been appointed pursuant to a resolution on the study of the reorganization of the OEEC adopted by the Special Economic Committee, which met at Paris on January 12 and 13, and subsequently approved on January 14 by representatives of the 20 governments which are also members and associate members of the OEEC and the Commission of the European Economic Community.[1] Following adoption of this resolution, Under Secretary of State Dillon stated on behalf of the United States:

> We favor the formation of a reconstituted organization adapted to the needs of today. Subject to the approval of our Congress, the United States would be prepared to assume full and active membership in an appropriately reconstituted organization.

During the course of their work the group of four will consult with the 20 governments, the European Communities, and appropriate international organizations. The report of the group will be submitted to a meeting of senior officials of the 20 governments, to be held at Paris on April 19, 1960, to which the European Communities will also be invited.

## Mr. Sproul Replaces Mr. Dodge on Bankers' Study Trip

The International Bank for Reconstruction and Development announced on January 19 that Allan Sproul has accepted the suggestion of the President of the Bank, Eugene R. Black, that he go to India and Pakistan in place of Joseph M. Dodge, who is ill, as a member of a group of bankers visiting those countries next month. Mr. Sproul is a former President of the Federal Reserve Bank of New York.

As announced on December 19, 1959,[2] the other members of the group which will visit India and Pakistan at Mr. Black's suggestion are Sir Oliver Franks, chairman of Lloyds Bank Ltd. of London, and Dr. Hermann Abs, chairman of the Deutsche Bank of Frankfurt. The three members are to

[1] For statements made by Under Secretary Dillon at the Paris meetings and text of the resolution, see BULLETIN of Feb. 1, 1960, p. 139. Other members of the group of four are: Bernard Clappier, Director for Economic and Commercial Policy, French Ministry of Finance and Economic Affairs; Sir Paul Gore-Booth, British Deputy Under Secretary of State for Foreign Affairs; and Xenophon Zolotas, Governor of the Bank of Greece.

[2] BULLETIN of Jan. 11, 1960, p. 63.

meet at Karachi on February 13 and will spend 5 or 6 weeks in India and Pakistan studying economic conditions and acquainting themselves with the current and prospective development plans of the two countries.

## Current U.N. Documents: A Selected Bibliography[1]

### Economic and Social Council

Commission on the Status of Women. Equal Remuneration for Men and Women Workers for Work of Equal Value. Report prepared by the International Labor Office. E/CN.6/359. January 7, 1960. 20 pp.

### Trusteeship Council

Report of the United Nations Commissioner for the Supervision of the Plebiscite in the Cameroons Under United Kingdom Administration: Part I—Organization, Conduct and Results of the Plebiscite in the Northern Part of the Territory. T/1491 and Add. 1. November 25, 1959. 225 pp.

Provisional Agenda of the Twenty-fifth Session of the Trusteeship Council. T/1496 and Add. 1. December 17, 1959. 22 pp.

Examination of the Annual Report on the Trust Territory of Ruanda-Urundi for the Year 1958. Observations of the United Nations Educational, Scientific and Cultural Organization. T/1495. December 17, 1959. 17 pp.

## TREATY INFORMATION

## Current Actions

### MULTILATERAL

#### Aviation

Convention on international civil aviation. Done at Chicago December 7, 1944. Entered into force April 4, 1947. TIAS 1591.

*Adherence deposited:* State of Cameroun, January 15, 1960.

Protocol to amend convention for unification of certain rules relating to international carriage by air signed at Warsaw October 12, 1929 (49 Stat. 3000). Done at The Hague September 28, 1955.[2]

*Ratification deposited:* Ireland, October 12, 1959.

#### Wheat

International wheat agreement, 1959, with annex. Opened for signature at Washington April 6 through 24, 1959. Entered into force July 16, 1959, for part I and parts III to VIII, and August 1, 1959, for part II. TIAS 4302.

*Accessions deposited:* Honduras, January 5, 1960; Panama, January 28, 1960.

### BILATERAL

#### Austria

Research reactor agreement concerning civil uses of atomic energy. Signed at Washington July 22, 1959.

*Entered into force:* January 25, 1960.

Research reactor agreement concerning civil uses of atomic energy. Signed at Washington June 8, 1956. TIAS 3600.

*Terminated:* January 25, 1960 (superseded by agreement of July 22, 1959, *supra*).

#### Uruguay

Agreement further supplementing the agricultural commodities agreement of February 20, 1959, as supplemented (TIAS 4179, 4238, 4356, and 4375). Signed at Montevideo January 13, 1960. Entered into force January 13, 1960.

## DEPARTMENT AND FOREIGN SERVICE

## Confirmations

The Senate on January 20 confirmed the following nominations:

Walter C. Dowling to be Ambassador to the Federal Republic of Germany. (For biographic details, see Department of State press release 782 dated November 9.)

Raymond A. Hare to be a Deputy Under Secretary of State. (For biographic details, see Department of State press release 834 dated December 2.)

John D. Hickerson to be Ambassador to the Philippines. (For biographic details, see Department of State press release 718 dated October 13.)

Walter P. McConaughy to be Ambassador to the Republic of Korea. (For biographic details, see Department of State press release 700 dated October 6.)

John J. Muccio to be Ambassador to Guatemala. (For biographic details, see Department of State press release 875 dated December 24.)

Edward Page, Jr., to be Minister to Bulgaria. (For biographic details, see Department of State press release 815 dated November 23.)

Edson O. Sessions to be Ambassador to Finland. (For biographic details, see Department of State press release 739 dated October 20.)

William P. Snow to be Ambassador to the Union of Burma. (For biographic details, see Department of State press release 779 dated November 9.)

[1] Printed materials may be secured in the United States from the International Documents Service, Columbia University Press, 2960 Broadway, New York 27, N.Y. Other materials (mimeographed or processed documents) may be consulted at certain designated libraries in the United States.

[2] Not in force.

The Senate on January 27 confirmed the following nominations:

Dennis A. FitzGerald to be Deputy Director for Operations of the International Cooperation Administration in the Department of State.

Foy D. Kohler to be an Assistant Secretary of State. (For biographic details, see Department of State press release 852 dated December 11.)

Livingston T. Merchant to be Under Secretary of State for Political Affairs. (For biographic details, see Department of State press release 841 dated December 7.)

G. Frederick Reinhardt to be Ambassador to the United Arab Republic and Minister to the Kingdom of Yemen. (For biographic details, see Department of State press release 16 dated January 14.)

Tyler Thompson to be Ambassador to Iceland. (For biographic details, see Department of State press release 15 dated January 14.)

## Designations

John J. Czyzak as Assistant Legal Adviser for Far Eastern Affairs, effective February 1.

Edward A. Jamison as Director, Office of Inter-American Regional Political Affairs, effective January 24.

Ely Maurer as Assistant Legal Adviser for Economic Affairs, effective February 1.

Francis E. Meloy, Jr., as Special Assistant to the Deputy Under Secretary for Political Affairs, effective January 11.

Temple Wanamaker as Director, Office of Public Services, effective January 24.

## American Embassy in Libya Moved to Tripoli

Effective January 25 the American Embassy in Libya was officially transferred from Benghazi to Tripoli. At the same time the Embassy's branch office at Tripoli was officially transferred to Benghazi.

## PUBLICATIONS

### Recent Releases

*For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C. Address requests direct to the Superintendent of Documents, except in the case of free publications, which may be obtained from the Department of State.*

**Mutual Defense Assistance.** TIAS 4347. 3 pp. 5¢.

Agreement between the United States of America and Luxembourg, amending annex B of agreement of January 27, 1950. Exchange of notes—Signed at Luxembourg October 27 and 31, 1959. Entered into force October 31, 1959. Operative retroactively July 1, 1959.

**Special Economic Assistance—Technical Assistance Projects.** TIAS 4348. 3 pp. 5¢.

Agreement between the United States of America and Yugoslavia. Exchange of notes—Signed at Belgrade October 22, 1959. Entered into force October 22, 1959.

**Surplus Agricultural Commodities.** TIAS 4349. 3 pp. 5¢.

Agreement between the United States of America and Spain, amending agreement of October 23, 1956, as amended. Exchange of notes—Dated at Madrid June 25 and July 15, 1959. Entered into force July 15, 1959.

**Defense—Introduction of Modern Weapons into NATO Defense Forces.** TIAS 4350. 2 pp. 5¢.

Agreement between the United States of America and Turkey. Exchange of notes—Signed at Ankara September 18 and October 28, 1959. Entered into force October 28, 1959.

**Surplus Agricultural Commodities.** TIAS 4352. 3 pp. 5¢.

Agreement between the United States of America and India, amending agreement of September 26, 1958, as amended. Exchange of notes—Signed at Washington November 13, 1959. Entered into force November 13, 1959.

### Check List of Department of State Press Releases: January 25–31

Press releases may be obtained from the Office of News, Department of State, Washington 25, D.C.

Releases issued prior to January 25 which appear in this issue of the BULLETIN are Nos. 26 of January 20 and 31 of January 22.

| No. | Date | Subject |
|---|---|---|
| 32 | 1/25 | U.S.–Canada Columbia River negotiations. |
| 33 | 1/25 | Thayer: Ruritan National, Louisville, Ky. |
| *34 | 1/25 | Educational exchange (United Arab Republic). |
| 35 | 1/25 | U.S.–Canada economic meeting. |
| 36 | 1/25 | Bonsal: arrival from Cuba. |
| 37 | 1/25 | Italy eases restrictions on dollar imports. |
| 38 | 1/25 | Portugal eases restrictions on dollar imports. |
| 39 | 1/26 | Beale: statement on importation of cultural materials. |
| 40 | 1/26 | Burgess designated to OEEC reorganization study group (rewrite). |
| 41 | 1/27 | Herter: statement on International Court. |
| 42 | 1/27 | U.S.–U.S.S.R. lend-lease negotiations. |
| *43 | 1/28 | Herter: presentation of Hull award to House Speaker Rayburn. |
| 44 | 1/29 | ICA loan to Iceland. |
| *45 | 1/29 | Educational exchange (Tanganyika). |
| 46 | 1/29 | Berding: Women's Forum on National Security. |
| 47 | 1/29 | U.K. eases restrictions on dollar imports. |
| 51 | 1/29 | GATT relations with Tunisia and Poland. |

*Not printed.

*Name Index*



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